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OFFICERS AND MEMBERS
OF

THE SENATE OF NORTH CAROLINA

1981 GENERAL ASSEMBLY

FIRST SESSION 1981

JOHN L. HARRIS, President

W. CLAY LAMON, President Pro Tem

ROBERT C. BOWMAN, Jr., Speaker

WILLIAM W. PAGE, Majority Chief

WILLIAM L. BOWEN, Jr., Minority Chief

WILLIAM S. FALLOUT, Secretary

JOURNAL

OF

THE SENATE

JUL 22 1982

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF NORTH CAROLINA

FIRST SESSION
1981

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OF

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THE SENATE

OF THE

GENERAL ASSEMBLY

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OF THE

STATE OF NORTH CAROLINA

FIRST SESSION

1901

OFFICERS AND MEMBERS OF THE SENATE OF NORTH CAROLINA

1981 GENERAL ASSEMBLY FIRST SESSION 1981

JAMES C. GREEN, President	Clarkton
W. CRAIG LAWING, President Pro Tempore	Charlotte
KENNETH C. ROYALL, JR., Majority Leader	Durham
SYLVIA M. FINK, Principal Clerk	Raleigh
LEROY CLARK, JR., Reading Clerk	Wendell
GERDA B. PLEASANTS, Sergeant-at-Arms	Cary

DISTRICT	NAME OF SENATOR	ADDRESS
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1	J. J. HARRINGTON.....	Lewiston
	MELVIN R. DANIELS, JR.....	Elizabeth City
2	JOSEPH E. THOMAS	Vanceboro
3	W. D. MILLS.....	Maysville
4	J. A. WRIGHT.....	Wilmington
5	HAROLD W. HARDISON	Deep Run
6	JULIAN R. ALLSBROOK	Roanoke Rapids
	VERNON E. WHITE.....	Winterville
7	DALLAS L. ALFORD, JR.....	Rocky Mount
	JAMES D. SPEED	Louisburg
8	HENSON P. BARNES	Goldsboro
9	ROBERT D. WARREN.....	Benson
10	GLENN R. JERNIGAN	Fayetteville
	JOE B. RAYNOR	Fayetteville
11	R. C. SOLES, JR	Tabor City
12	SAM R. NOBLE	Lumberton
13	KENNETH C. ROYALL, JR.....	Durham
	WILLIAM G. HANCOCK, JR.....	Durham
14	WILLIAM A. CREECH	Raleigh
	JOSEPH E. JOHNSON	Raleigh
	ROBERT W. WYNNE.....	Raleigh
15	CONRAD R. DUNCAN, JR.....	Stoneville
	GEORGE W. MARION, JR	Dobson
16	CHARLES E. VICKERY	Chapel Hill
	RUSSELL WALKER.....	Asheboro
17	JAMES B. GARRISON	Albemarle
	ROBERT B. JORDAN III.....	Mount Gilead
18	CARY D. ALLRED	Burlington
19	HENRY E. FRYE	Greensboro
	RACHEL G. GRAY	High Point
	WALTER C. COCKERHAM	Greensboro
20	MARVIN WARD.....	Winston-Salem
	JOHN J. CAVANAGH, JR.....	Winston-Salem
21	GILBERT LEE BOGER	Mocksville
	PAUL S. SMITH.....	Salisbury
22	CECIL R. JENKINS, JR	Kannapolis
	W. CRAIG LAWING	Charlotte
	CAROLYN MATHIS	Charlotte
	JAMES D. McDUFFIE.....	Charlotte
23	T. CASS BALLENGER.....	Hickory
	WILLIAM W. REDMAN, JR	Statesville
24	HAROLD A. BAKER.....	Millers Creek
	DONALD R. KINCAID.....	Lenoir
25	OLLIE HARRIS.....	Kings Mountain
	HELEN RHYNE MARVIN	Gastonia
	MARSHALL A. RAUCH	Gastonia
26	JAMES McCLURE CLARKE	Fairview
	ROBERT S. SWAIN.....	Asheville
27	JOE H. PALMER	Clyde
	R. P. THOMAS	Hendersonville

THE SENATE OF NORTH CAROLINA

1981 GENERAL ASSEMBLY

FIRST SESSION 1981

JAMES C. HERRIN, President
W. CRAIG LAWING, President Pro Tempore
KENNETH L. BOTALL, JR., Majority Leader
STYLIA M. KING, Minority Leader
LEWIS CLARK, Jr., Senate Clerk
JEROME A. TILLEY, Chaplain

SENATOR	NAME OF SENATOR	DISTRICT
1	J. L. HARRINGTON	1
2	WILLIAM H. HARRIS, JR.	2
3	JOSEPH E. THOMAS	3
4	W. E. HOLLS	4
5	A. A. HOGSTEDT	5
6	ROBERT W. HARRISON	6
7	ALVIN E. HARRISON	7
8	WILLIAM E. HARRIS	8
9	DALLAS E. HARRIS, JR.	9
10	JAMES E. HARRIS	10
11	ROBERT E. HARRIS	11
12	ROBERT E. HARRIS	12
13	JOHN E. HARRIS	13
14	JOE E. HARRIS	14
15	E. C. HARRIS, JR.	15
16	EARL E. HARRIS	16
17	KENNETH L. BOTALL, JR.	17
18	WILLIAM E. HARRIS, JR.	18
19	WILLIAM A. HARRIS	19
20	JOHN E. HARRIS	20
21	ROBERT W. HARRIS	21
22	LEWIS CLARK, JR.	22
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SENATE JOURNAL

FIRST SESSION 1981

FIRST DAY

SENATE CHAMBER,

Wednesday, January 14, 1981

In accordance with law, as set forth in the Constitution of the State of North Carolina and G. S. 120-11.1, the Senate of the General Assembly of North Carolina assembles this day, at the hour of 12 M., in the Senate Chamber of the Legislative Building in the City of Raleigh.

The Honorable James C. Green, Lieutenant Governor, calls the Senate to order.

Prayer is offered by the Reverend William E. Link, Pastor of Clarkton Presbyterian Church, Clarkton, North Carolina, as follows:

"Almighty God, Our Heavenly Father, we honor and glorify Thy Holy Name, acknowledging that Thou art the one true God. We realize our complete dependence upon Thee, that we are without direction and with no purpose except as we are found in Thee. Help us to realize that strength, wisdom, direction, purpose, and leadership all come from Thee through the Holy Spirit.

"We come to Thee, at the opening of this Assembly, praying for light upon our path and Thy supporting and strengthening hand upon us that we may walk and not stumble, run and not be weary.

"So be with these who have been called by Thee to the special work of government, that they may be strengthened in their desire to serve and to do the best for the welfare of the people of this great State.

"We pray for Thy special benediction upon him who presides over this Body, the Senate. As he seeks Thy counsel, enable him to preside and to rule wisely and with courage.

"Enable those who form this Body to do their work with a deep concern for those they serve and give them the spirit of love for their fellowman. Use their talents and abilities for the greater good and find them faithful in their stewardship.

"Cause Thy Spirit now to dwell upon them, grant them wisdom and give them joy in their service. In Jesus' Name, we pray. Amen."

Led by the Lieutenant Governor, the Senators-elect, and distinguished guests remain standing, and pledge their allegiance to the United States of America.

The Chair directs the Reading Clerk of the 1979 Session to call the roll and the following Senators-elect appear with the proper certificates of election:

First District

J. J. Harrington
Melvin R. Daniels, Jr.

Second District

Joseph E. Thomas

January 14, 1981

"Someone once said that we should all be concerned about the future because we will have to spend the rest of our lives there. Now there was a man who obviously felt a great sense of responsibility to the future

"I think all of you here today also feel that same sense of responsibility to the future—or you would not have run for public office.

"The 134th Session is going to be one of challenge. The biggest challenge will be to continue to provide the goods and services that North Carolina needs and deserves without burdening with excessive taxes those very citizens we are trying to help. We need to continue that North Carolina quality of life for our citizens; yet we need to do it, and still operate within our existing resources.

"Therefore, we have a big job ahead of us. Some say 1980 has left us a legacy of problems. But I see that as an opportunity for us here in North Carolina to work harder—and more than that, for us to work **smarter**—for our people.

"We need to make our work more productive. The man who tries to get through by breaking down a locked door, works hard—but the man who finds the key—he works smart.

"And that is the challenge that faces the Senate in 1981.

"Each one of you fifty senators must accept that challenge when presenting legislation, when in committee hearings, and most importantly when **voting**. Each one of you must distinguish between that which is **necessary** and that which is merely desirable.

"We must answer that challenge by finding the most efficient and the most responsible solutions to problems we may face.

"That does not mean that this General Assembly will be devoid of compassion. Not at all. I think the money will be there for those important programs so necessary to our less fortunate North Carolinians. But we will have to examine those programs—both old and new—for duplication, possible waste or top-heavy administration.

"Resources are not inexhaustible, and it will be our job to see that those valuable resources which are in such short supply will get to where they will do the most good.

"To do that, you and I and all of us in State Government must continue to cooperate. We must communicate, and we must establish priorities.

"Thomas Jefferson was talking about cooperation and about working together when he said: 'It is necessary to give as well as take in a government like ours.'

"And he hit the nail on the head when he said: 'Every difference of opinion is not a difference of principle.'

"1981 is the year for all legislators—indeed, for all of us in government—to work together. We are **all** concerned about the future because we will **all** have to spend the rest of our lives there.

"**Together**, we will solve the problems that may face North Carolina. **Together**, we will establish priorities for reaching our necessary goals. **Together**, we will meet the needs of the entire State.

"We are all here to serve the citizens of North Carolina. It's not a battle between us. The legislative branch will not lose. The executive branch will not lose. If we do not do our jobs right, only the citizens of North Carolina will lose—and they are the very people we all want to win.

"Together, we will show our concern about the future. **Together**, we will work to make North Carolina attain the future that we all know she is capable of.

"In closing, let me again quote Mr. Jefferson: 'The care of human life and happiness is the first and only legitimate object of good government.'

"Together, let us be responsible and good governors."

The President announces the Senate is ready to proceed with the election of officers.

ELECTION OF OFFICERS

For President Pro Tempore of the Senate, Senator Rauch places in nomination Senator W. Craig Lawing of Mecklenburg County. Senators Duncan, Jenkins and Kincaid second the nomination. (See Appendix)

On motion of Senator Kincaid the nominations are closed and Senator W. Craig Lawing is elected President Pro Tempore by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 49.

The President appoints Senator Mathis and Senator Raynor to escort the President Pro Tempore, Senator Lawing, to the dais where he receives the prescribed oath of office administered by the Honorable James C. Green, Lieutenant Governor.

For Majority Leader of the Senate, Senator Jordan places in nomination Senator Kenneth Claiborne Royall, Jr. of Durham County. Senator Daniels seconds the nomination. (See Appendix)

On motion of Senator Daniels the nominations are closed. Without objection, the members of the minority party are excused from voting as follows: Senators Allred, Baker, Ballenger, Boger, Cavanagh, Cockerham, Kincaid, Redman, Smith, and Wright. Senator Kenneth Claiborne Royall, Jr., having received the unanimous vote of the majority party members, is elected Majority Leader by roll-call vote, ayes 39, noes 0, as follows:

Those voting in the affirmative are: Senators Alford, Allsbrook, Barnes, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Soles Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wynne — 39.

The President appoints Senator Hardison and Senator Palmer to escort the Majority Leader, Senator Royall, to the dais where he receives the prescribed oath of office administered by the Honorable James C. Green, Lieutenant Governor.

For Principal Clerk of the Senate, Senator Harris places in nomination Sylvia Morris Fink of Wake County. Senator Jernigan seconds the nomination.

On motion of Senator Jernigan the nominations are closed and Sylvia Morris Fink is elected Principal Clerk by acclamation. Being declared duly elected, she receives the prescribed oath of office which is administered by the Honorable Cecil J. Hill, Judge, North Carolina Court of Appeals.

For Reading Clerk of the Senate, Senator Wynne places in nomination Leroy Clark, Jr. of Wake County. Senator Johnson seconds the nomination.

On motion of Senator Johnson the nominations are closed. Leroy Clark, Jr. is elected Reading Clerk by acclamation. Being declared duly elected, he receives the prescribed oath of office which is administered by the Honorable Willis P. Whichard, Judge, North Carolina Court of Appeals.

For Sergeant-at-Arms of the Senate, Senator Hardison places in nomination Gerda B. Pleasants of Wake County. Senator Marvin seconds the nomination.

On motion of Senator Marvin the nominations are closed; Gerda B. Pleasants is elected Sergeant-at-Arms by acclamation. Being declared duly elected, she receives the prescribed oath of office which is administered by the Honorable J. William Copeland, Associate Justice of the Supreme Court of North Carolina.

— The President recognizes H. Vincent Bridgers, Jr., immediate past Sergeant-at-Arms, expressing appreciation for services rendered.

RULES OF THE SENATE

On motion of Senator Lawing, the Rules of the 1979 Session of the General Assembly, As Amended, are adopted as the temporary rules of the 1981 Session with the following exception:

Rule 32 amended to read as follows:

“**RULE 32. List of Standing Committees.** — The standing committees shall be:

Agriculture

Alcoholic Beverage Control

Appropriations

Appropriations Committee on Education

Appropriations Committee on General Government and Transportation

Appropriations Committee on Human Resources

Appropriations Committee on Justice and Public Safety

Appropriations Committee on Natural and Economic Resources

Banking

Base Budget

Constitutional Amendments

Courts and Judicial Districts and Criminal Justice

Economy

Education

Election Laws

Finance

Higher Education
Human Resources
Insurance
Judiciary I
Judiciary II
Judiciary III
Law Enforcement and Crime Control
Local Government and Regional Affairs
Manufacturing, Labor and Commerce
Natural and Economic Resources and Wildlife
Pensions and Retirement
Public Utilities and Energy
Redistricting - Congressional
Redistricting - Senate
Rules and Operation of the Senate
Senior Citizens Affairs
Small Business
State Government
Transportation
University Board of Governors
Veterans and Military Affairs
Ways and Means

A special message is ordered sent to the House of Representatives informing that Honorable Body that the Senate is organized and ready to proceed with public business.

ADDRESSES TO MEMBERSHIP

Senator Royall is granted permission to approach the Well of the Senate where he delivers the following address:

"Mr. President, distinguished members of Judiciary, my fellow Senators and our most important ladies and gentlemen that are with us today:

"My sincere thanks to Senator Daniels and to Senator Jordan for their kind remarks. My congratulations go to President Pro Tem Senator Lawing; our excellent Principal Clerk, Ms. Fink; our fine Reading Clerk, Mr. Clark; and our efficient Sergeant-at-Arms, Gerda Pleasants. My deepest gratitude to you for the high honor of serving as your Majority Leader in the North Carolina Senate.

"We should proceed no further without now recognizing the only man in North Carolina history who has served as Speaker of the House and then been elected by the people of North Carolina to serve two terms as Lieutenant Governor. Never in my experience of sixty-two years has there been a fairer man or harder working individual, and I think we should give him a rising stand of applause.

"Behind this man is a very dedicated staff and please stand as you are recognized: Arlene Pulley, Administrative Assistant; Margaret Webb, Press Aide; Mrs. Sarah Haner, Secretary to the Lieutenant Governor; Gretchen Dickson, Secretary to the Lieutenant Governor; Mary Ann Dusenbury; and Bill Franklin, Administrative Assistant; and George Jones, Special Assistant for Minority Affairs. Let's give them a hand. Also,

January 14, 1981

another staff member who needs recognition is Senator Lawing's assistant, Ruth Holmes. The leader in my office is Loraine Newsome. It is my fervant hope that each one of you will call on us at any time.

"This position will be accepted with you, my colleagues, the great people of North Carolina, my wife, Julia and my family. You are outstanding legislators, and working together as a team we can keep North Carolina, number one in the Nation.

"We can also make the 1981 Session a most productive one. With our two outstanding leaders, in Lieutenant Governor Green and President Pro Tem Lawing, we will continue to move forward and provide better programs and better government for the great citizens of our State. With God's help, as we work together as a team, North Carolina will continue to be number one in the Nation. The one safe advice given to new members is that the letter in the alphabet before the letter 'J' and after the letter 'H' is seldom used in this Body.

"Thank you from the bottom of my heart for this honor, and God bless each one of You."

Senator Lawing is granted permission to approach the Well of the Senate where he delivers the following address:

"The Honorable Lieutenant Governor Green, distinguished members of the Judiciary, fellow citizens, friends all:

"I want to pause at this particular moment and give thanks to Senators Rauch, Duncan, Jenkins, and Kincaid for the kind words that they have spoken on my behalf here today, and tell you that—

'I dreamed death came the other night
and heaven's gate swung wide,
With kindly grace, an angel came
and ushered me inside.
There to my astonishment stood
folks I'd known on earth,
Some I'd judged and labeled unfit
and of very little worth.
Indignant words rose to my lips,
but never were set free,
For on every face shown stunned surprise,
No one expected me.'

"As I stood in this place where I'm standing, in this exact spot two years ago, never did I dream that I would be coming back here to do the same thing. There's only one person within the sound of my voice that can appreciate and understand the humble feeling that I have now, that is the former great Senator John Henley, who is up here to my right, who served in this position prior to the time, that I would honor.

"You Senators have placed your confidence in me, and I trust that before this year is over that I will prove to you that your trust has been well-founded, because as we face the years ahead or the months ahead, a lot of people tell you that we are going to have troubled times. I don't view it that way. I view it as a challenge. I view it with confidence and with optimism, because like the leaders that you have elected here today, and with each one of you who have been sent here with the same kind of ticket that I have—and with Senator

Royall as our majority leader—and the first ever in the history of the great State of North Carolina, we have a Lieutenant Governor that is succeeding himself.

"I know not what the future holds, but I know who holds the future and that is in whom I'm placing my trust, and I challenge each one of you to do the same thing because with God on our side how can we lose?

"Let me say this to the new members, that the experience that I have gleaned in the last two years in this office is going to stand me in good stead to help you on any problems that you might have. I welcome you into my office, I seek your help, your guidance, your criticism, because it is only with you telling me what you want, can I do the type job as President Pro Tempore of the Senate, and I want you to come by and prevail upon my experience any time.

"In closing let me say, let's all dedicate ourselves to make this the best, most fruitful, beneficial to the citizens of North Carolina that we've ever had. Thank you."

The President announces that the Senate is advised Senator Kincaid will serve as Senate Minority Leader and Senator Redman will serve as Senate Minority Whip.

APPOINTMENT OF COMMITTEES

The President announces the following standing committee appointments:

AGRICULTURE COMMITTEE: Senators White, Chairman; Palmer, Speed, Vice-Chairmen; Barnes, Boger, Daniels, Hardison, Harrington, Raynor, Redman, Soles, and Warren.

The President charges the Committee as follows:

"Senator White and Members of the Committee:

"North Carolina is an agricultural State—and our most basic natural resource is the land of North Carolina—and its capacity to produce agricultural products.

"The agricultural production of North Carolina must continue to expand—and we must produce the food and fiber to help mankind and to strengthen our economy.

"No area of legislative study is of greater importance than that pertaining to agriculture.

"The Committee needs to explore and consider all matters in the field of agriculture and to make wise recommendations for Senate action.

"I appreciate your willingness to assume and discharge this important work."

ALCOHOLIC BEVERAGE CONTROL: Senators Noble, Chairman; Swain, Vice-Chairman; Baker, Cockerham, Jernigan, Mathis, Rauch, Vickery, Ward, and Wynne.

The President charges the Committee as follows:

"Senator Noble and Members of the Committee:

"Traditionally, the laws relating to the use and control of alcoholic beverages in this State have been developed and refined by many hours of hard work, and I am certain that this Committee will be requested to consider numerous bills and resolutions.

"The Committee should also initiate its own study and bring to the Senate such recommendations as will better serve the needs of the citizens of North Carolina. It is essential that the work of this Committee be carefully considered.

"During its deliberations, the Committee will hear arguments from citizens who feel strongly both pro and con about alcoholic beverage control and this Committee has the duty to listen to all those arguments so as to best recommend that which is in the public interest.

"Be expeditious and fair in all you do and know that you have the confidence of the Chair in your endeavors."

APPROPRIATIONS COMMITTEE: Senators Hardison, Chairman; Garrison, White, Vice-Chairmen; Alford, Allsbrook, Ballenger, Barnes, Boger, Clarke, Cockerham, Daniels, Frye, Hancock, Harris, Johnson, Jordan, Kincaid, Lawing, Marion, Mathis, Mills, Noble, Palmer, Royall, Walker, Ward, and Warren.

APPROPRIATIONS COMMITTEE ON EDUCATION: Senators Frye, Chairman; Barnes, Jordan, Mathis, and White.

APPROPRIATIONS COMMITTEE ON GENERAL GOVERNMENT AND TRANSPORTATION: Senators Daniels, Chairman; Allsbrook, Garrison, Marion, and Palmer.

APPROPRIATIONS COMMITTEE ON HUMAN RESOURCES: Senators Walker, Chairman; Ballenger, Hancock, Harris and Lawing.

APPROPRIATIONS COMMITTEE ON JUSTICE AND PUBLIC SAFETY: Senators Ward, Chairman; Cockerham, Johnson, Noble, and Warren.

APPROPRIATIONS COMMITTEE ON NATURAL AND ECONOMIC RESOURCES: Senators Alford, Chairman; Boger, Clarke, Kincaid, and Mills.

BASE BUDGET COMMITTEE: Senator Jordan, Chairman.

The President charges the Committees as follows:

"The task of Appropriations Committees is trying in the best of times, and will be doubly difficult in this period of economic problems and taxpayer unrest. You are all aware that inflation, recession, and high interest rates have brought on grave hardships for many of our citizens, especially the elderly, small businessmen, and those in the housing industry, among a host of others; and you will work long hours in looking for ways to ease their burdens.

"I have always believed that we owe it to the taxpayers to provide necessary services while keeping the growth of government within acceptable limits; and I am confident you will devote much time and attention to looking for items to eliminate from the continuation budget—duplication, waste and programs that have out-lived their usefulness. In 1981, we are continuing a 1979 innovation in the appropriations process: each of the five subject-matter Appropriations Committees will sit first as a Base Budget Committee, under one chairman, to make a careful appraisal of budgets for continuation of governmental operations at existing levels of services. Upon completion of this search for spending reductions, the same committee will be reconstituted as an Appropriations Committee to consider proposals for improvement in services. This procedure, by eliminating the

necessity to reconcile conflicting points of view, will materially shorten the time required to construct the State Budget.

"I am certain you will make our State's resources available for the maximum good, and I appreciate your willingness to assume this important work."

INTRODUCTION OF BILLS AND RESOLUTIONS

On motion of Senator Lawing, Rule 40, relative to the filing of legislation, is suspended for today.

The following resolution is introduced, read the first time and disposed of as follows:

By Senator Lawing:

S. J. R. 1, a joint resolution informing His Excellency, Governor James B. Hunt, Jr., that the General Assembly is organized and ready to proceed with public business and inviting the governor to address a Joint Session of the Senate and House of Representatives at 7:00 P.M., Thursday, January 15, 1981.

On motion of Senator Lawing, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger.

The President orders a Special Message sent to the House of Representatives informing that Honorable Body that pursuant to **S. J. R. 1**, a joint resolution informing His Excellency, Governor James B. Hunt, Jr., that the General Assembly is organized and ready to proceed with public business and inviting the Governor to address a Joint Session of the Senate and House of Representatives at 7:00 P.M., Thursday, January 15, 1981, the following members of the Senate have been appointed to serve with a like Committee of the House of Representatives to invite, greet, and escort the Governor to the Joint Session: Senator Speed and Senator Alford.

The Reverend Claude Godwin, Regional Communicator for the Presbyterian Synod of North Carolina, is recognized as the Senate Chaplain for the 1981 Session of the North Carolina General Assembly.

On motion of Senator Lawing, duly seconded, the Senate adjourns to meet tomorrow at 12 M.

SECOND DAY

SENATE CHAMBER,
Thursday, January 15, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, on this day we celebrate the memory of one who called us to climb the mountain that we might see the promised land. We give You thanks for Martin, and for courageous men and women everywhere who bravely stand for justice. May their

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example inspire us with such dedication that we shall work with zeal to bring the promised land closer to reality, that equality shall rule in our hearts and freedom shall ring through the land. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants a leave of absence to Senator Garrison for today.

Senator Rauch serves as Reading Clerk for today's Session.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

HOUSE OF REPRESENTATIVES
January 14, 1981

Mr. President:

It is ordered that a message be sent to the Senate informing that Honorable Body that the House of Representatives is organized and is now ready to proceed with the public business and has elected the following officers:

Speaker, Liston B. Ramsey
Speaker Pro Tempore, Allen C. Barbee
Principal Clerk, Grace A. Collins
Sergeant-at-Arms, Larry P. Eagles
Reading Clerk, Sam J. Burrow, Jr.

Respectfully,
GRACE COLLINS
Principal Clerk

APPOINTMENT OF COMMITTEES

Changes in committee appointments are noted as follows:

APPROPRIATIONS COMMITTEE: Senator Marvin is added as a member. Senator Mills is removed.

APPROPRIATIONS COMMITTEE ON EDUCATION: Senator Warren is added as a member. Senator Barnes is removed.

APPROPRIATIONS COMMITTEE ON JUSTICE AND PUBLIC SAFETY: Senator Barnes is added as a member. Senator Warren is removed.

FINANCE COMMITTEE: Senator Mills is added as a member. Senator Marvin is removed.

The President announces the following standing committee appointments:

BANKING COMMITTEE: Senators Mills, Chairman; Garrison, Vice-Chairman; Alford, Ballenger, Daniels, Duncan, Gray, Hardison, Harris, Mathis, Vickery, Warren, and Wynne.

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The President charges the Committee as follows:

"Senator Mills and Members of the Committee:

"The citizens of North Carolina are concerned about the interest rates charged on the money they borrow. You are charged, therefore, with a very sensitive and far-reaching role. You must balance the availability of money versus its cost. You will have to be mindful of the needs of our farmers, business people and consumers, as well as those of our banks and financial institutions.

"I ask that you be most careful and totally fair as you consider and deliberate upon the sensitive and important legislation which will doubtlessly be referred to you during this session. The Chair appreciates your willingness and enthusiasm to discharge this important work."

BASE BUDGET COMMITTEE: Senators Jordan, Chairman; Alford, Daniels, Frye, Hardison, Lawing, Walker, and Ward.

The President makes the following clarifying statement:

"Every member of the Senate Appropriations Committee will automatically participate in all base budget hearings. Each chairman of the five Committees on Appropriations and the Chairman of the Appropriations Committee and the Vice-Chairmen of the Ways and Means Committee constitute the Base Budget Committee under Senator Robert Jordan."

CONSTITUTIONAL AMENDMENTS COMMITTEE: Senators Clarke, Chairman; Gray, Vice-Chairperson; Allsbrook, Vice-Chairman; Boger, Creech, Frye, Garrison, McDuffie, and Vickery.

The President charges the Committee as follows:

"Senator Clarke and Members of the Committee:

"Our Constitution is the result of the collective wisdom of the men and women who have gone before us, and it is the very foundation of North Carolina law.

"During this Session, there will be various bills and resolutions to make changes in either our State Constitution or our National Constitution.

"I charge you to deliberate long and fairly on all these proposals and give us your very best recommendations. It's important and necessary work you do, and the Chair has every confidence that you'll fulfill your tasks wisely."

COURTS AND JUDICIAL DISTRICTS AND CRIMINAL JUSTICE COMMITTEE: Senators Swain, Chairman; Hancock, Marion, Vice-Chairmen; Barnes, Baker, Cavanagh, Cockerham, Gray, McDuffie, and Vickery.

The President charges the Committee as follows:

"Senator Swain and Members of the Committee:

"Thomas Jefferson said 'the dignity and stability of government, the morals of the people, and every blessing of society, depend so much upon the upright and skillful administration of justice.' Therefore, I charge this Committee to give its undivided attention to the matters that come before it, as we seek to improve the judicial system in North Carolina.

"The Chair acknowledges the importance of this Committee and appreciates your willingness to assume and discharge this important work."

ECONOMY COMMITTEE: Senators Garrison, Chairman; Alford, Daniels, Warren, Vice-Chairmen; Allred, Cockerham, Creech, Duncan, Gray, Jenkins, Jernigan, Smith, Walker, Ward, White, and Wright.

The President charges the Committee as follows:

"Senator Garrison and Members of the Committee:

"The economy, both national and state-wide, is the subject of deep and important concern to all North Carolinians. Indeed, the economy is perhaps the foremost concern of our citizenry.

"The work the Committee on the Economy will do will be far-reaching as the purpose of this Committee is to develop a clear understanding of those factors which affect the potential resources of our State during the next fiscal year in order that the other Committees of the Senate may be better informed and better qualified to respond to current and anticipated economic problems.

"The Chair charges this Committee to consider the far-reaching consequences of the recommendations it makes, and it appreciates your willingness to assume and discharge this vitally important work."

EDUCATION COMMITTEE: Senators Speed, Chairman; Marvin, Vice-Chairperson; Ward, Warren, Vice-Chairmen; Clarke, Creech, Marion, Mills, Noble, Raynor, White, and Wright.

The President charges the Committee as follows:

"Senator Speed and Members of the Committee:

"Our children are our most valuable resources. Therefore, their education is the most important function of our government. We can never become complacent about our school system. We can never relax our efforts to improve it.

"This Committee on Education needs to consider various bills and resolutions, as well as initiate its own study of the progress of our schools. We need to particularly examine the relationship between the state and county units, and still make sure that the citizens have a strong voice on this important subject.

"I appreciate your willingness to assume and discharge this very important work."

ELECTION LAWS COMMITTEE: Senators McDuffie, Chairman; Jernigan, Vice-Chairman; Baker, Cavanagh, Duncan, Frye, Harrington, Johnson, Thomas of Henderson, and Walker.

The President charges the Committee as follows:

"Senator McDuffie and Members of the Committee:

"We need to make our election process workable and accessible to all North Carolinians. Only seven in ten of our citizens participated in the last election. The Committee on Election Laws must re-examine these laws pertaining to elections in North Carolina, as

well as give the Senate its recommendations on the bills and resolutions that come to them.

"The election process is a vital one to our citizens and the Chair has every confidence in the Committee on Election Laws."

FINANCE COMMITTEE: Senators Duncan, Chairman; Rauch, Raynor, Thomas of Henderson, Mills, Vice-Chairmen; Allred, Baker, Cavanagh, Creech, Gray, Harrington, Jenkins, Jernigan, Jordan, Lawing, McDuffie, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Vickery, White, Wright, and Wynne.

The President charges the Committee as follows:

"Senator Duncan and Members of the Committee:

"During this Session the Finance Committee has the responsibility of considering legislation that would affect the revenues of our State. You must exercise special care to assure that our tax structure will provide the resources needed for support of essential services, but without overburdening our citizens.

"You will have hard decisions to make. The Highway Fund is in trouble; a school construction bond issue is in question; and relentless inflation has made obsolete the exemptions, deductions and ceilings in our tax laws. You must also deal with the tax problems of local governments.

"I appreciate your willingness to assume this important work."

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Gray, Harris, Speed, Wynne, Ballenger, Cavanagh, Allred, Baker, and Wright:

S. B. 2, a bill to raise the income and property limits for the Homestead Exemption, and appropriating funds to pay the additional cost.

The Chair directs the above be held in filed status in the Principal Clerk's Office until all committee appointments are announced.

By Senator Lawing:

S. B. 3, a bill to amend G. S. 20-7 to allow a member of a fire department, whether paid or volunteer, to operate a firefighting vehicle with a Class C license.

On motion of Senator Lawing, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger.

By Senators Lawing, Mathis, McDuffie, and Cavanagh:

S. J. R. 4, a joint resolution calling for the Legislative Research Commission to study the annexation laws.

The Chair directs the above be held in filed status in the Principal Clerk's Office until all committee appointments have been announced.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. J. R. 1, a joint resolution informing His Excellency, Governor James B. Hunt, Jr., that the General Assembly is organized and ready to proceed with public business and inviting the governor to address a Joint Session of the Senate and House of Representatives at 7:00 P.M., Thursday, January 15, 1981.

On motion of Senator Lawing, the Senate stands in recess to meet tonight at 6:30 P.M. for the purpose of receiving the Governor's State-of-the-State address meeting in Joint Session with the House of Representatives.

EVENING SESSION

The Senate meets pursuant to recess and is called to order by the Honorable James C. Green, Lieutenant Governor.

Senator Garrison is present.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

HOUSE OF REPRESENTATIVES
January 15, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to S. J. R. 1, a joint resolution informing His Excellency, Governor James B. Hunt, Jr., that the General Assembly is organized and ready to proceed with public business and inviting the Governor to address a Joint Session of the Senate and House of Representatives at 7:00 P.M., Thursday, January 15, 1981, the Speaker has appointed the following members of the House of Representatives to serve with a like Committee of the Senate to invite, greet and escort the Governor to the Joint Session:

Representative Allen C. Barbee
Representative Roger Bone
Representative Jeanne Fenner
Representative Joe L. Mavretic

Respectfully,
GRACE COLLINS
Principal Clerk

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. J. R. 3, a joint resolution honoring the life and memory of Dr. Martin Luther King, Jr.

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On motion of Senator Frye, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

HOUSE OF REPRESENTATIVES

January 15, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to S. J. R. 1, a joint resolution informing His Excellency, Governor James B. Hunt, Jr. that the General Assembly is organized and ready to proceed with public business and inviting the Governor to address a Joint Session of the Senate and House of Representatives at 7:00 PM., Thursday, January 15, 1981, the House of Representatives stands ready to receive the Senate in Joint Session at the hour appointed.

Respectfully,
GRACE COLLINS
Principal Clerk

The President orders a special message sent to the House of Representatives informing that Honorable Body that the Senate stands ready to repair to the Hall of the House, there to sit in Joint Session with that Honorable Body for the purpose of receiving the Governor's message pursuant to S. J. R. 1.

On motion of Senator Lawing, the Senate recesses to meet in Joint Session in the House of Representatives, for the purpose of receiving the Governor's message and upon dissolution of the Joint Session, to stand adjourned, in memory of the late Martin Luther King, Jr., and in silent prayer for former colleague, Representative Jack M. Gardner, to meet tomorrow at 10:00 A.M.

JOINT SESSION

The Senate is received by the members of the House of Representatives standing and the Joint Session is called to order by the Honorable James C. Green, Lieutenant Governor.

The President extends courtesies of the floor to the Chief Justice and Associate Justices of the Supreme Court of North Carolina, to the Chief Judge and Associate Judges of the North Carolina Court of Appeals, to the Council of State, to family and friends of Governor James B. Hunt, Jr.

The President recognizes the Sergeant-at-Arms of the House of Representatives who announces the presence of His Excellency, Governor James B. Hunt, Jr. The President presents Governor Hunt who delivers the State-of-the-State address. (Pursuant to S. J. R. 1, the text of the address appears in the Appendix.)

On motion of Senator Lawing, the Joint Session is dissolved and pursuant to the motion heretofore made, the Senate adjourns to meet tomorrow at 10:00 A.M.

January 15, 1981

THIRD DAY

SENATE CHAMBER,
Friday, January 16, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Honorable Ollie Harris, Senator from Cleveland County.

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants a leave of absence to Senator Royall, who is attending a meeting of the Executive Committee of the National Conference of State Legislatures and to Senator Speed for today.

The President grants a leave of absence to Senator Ballenger for January 19 through January 23 and to Senator Boger for January 19 and 20. Senator Ballenger and Senator Boger will attend the Presidential Inauguration.

Senator Rauch serves as Reading Clerk for today's Session.

The President recognizes the following pages serving in the Senate this week: William Waldo Dodge, Raleigh; Ramona Kay Gore, Clinton; Kimiyo Bonnie Horie, Raleigh; Julie Casey King, Clinton; Robert Jennings Page, Cary; Lindel Rose Pollert, Clinton; and DeAnna Williams, Clinton.

APPOINTMENT OF COMMITTEES

The President announces the following standing committee appointments:

HIGHER EDUCATION COMMITTEE: Senators Wynne, Chairman; Clarke, Frye, Vice-Chairmen; Allred, Cavanagh, Daniels, Jordan, Rauch, Smith, Thomas of Craven, Vickery, Ward, and Wright.

The President charges the Committee as follows:

"Senator Wynne and Members of the Committee:

"Our system of higher education is one of the best in the nation, and we must work to keep it that way. Large sums of money have been spent on our system of higher education, and I charge the Committee on Higher Education with the important task of protecting that investment.

"This Committee must therefore examine the programs—new and old—and work in conjunction with the Committees on Appropriations. I trust the good judgement of this committee, and I appreciate your willingness to assume and discharge this important work."

HUMAN RESOURCES COMMITTEE: Senators Harris, Chairman; Raynor, Walker, Vice-Chairmen; Allred, Allsbrook, Cavanagh, Daniels, Gray, Hancock, Hardison, Marvin, Redman, Royall, and Ward.

The President charges the Committee as follows:

"Senator Harris and Members of the Committee:

"Social Services, mental health and public health are among the programs that affect the well-being of our citizens—especially our underprivileged citizens. This Committee has an enormous task as it endeavors to protect that North Carolina quality of life. This Committee is charged with separating the necessary from the merely desirable, and with making balanced recommendations to the Senate.

"The Chair is confident in the ability and willingness of this Committee to assume and discharge this important work."

INSURANCE COMMITTEE: Senators Mathis, Chairman; Clarke, Soles, Vice-Chairmen; Ballenger, Jordan, Kincaid, Lawing, Marion, Noble, Thomas of Henderson, and Wynne.

The President charges the Committee as follows:

"Senator Mathis and Members of the Committee:

"The rates, coverage and types of insurance available to North Carolinians will be the focus of the Committee on Insurance.

"The State of North Carolina regulates the insurance industry and this Committee must do its best to balance the needs of the citizens with the desires of the industry members.

"The Chair has confidence in the ability of this Committee to ably assume and discharge this important work."

JUDICIARY I COMMITTEE: Senators Allsbrook, Chairman; Jenkins, Swain, Vice-Chairmen; Allred, Harris, Kincaid, Mathis, and Warren.

JUDICIARY II COMMITTEE: Senators Soles, Chairman; Hancock, Vickery, Vice-Chairmen; Cockerham, Johnson, McDuffie, Raynor, and Wynne.

JUDICIARY III COMMITTEE: Senators Creech, Chairman; Barnes, Frye, Vice-Chairmen; Ballenger, Marion, Marvin, Speed, and Thomas of Henderson.

The President charges the Judiciary Committees as follows:

"Senators Allsbrook, Soles and Creech and Members of the Committees:

"Each of you will share in the important Judiciary Committees.

"These Committees receive important and complicated legislation which cuts across the entire spectrum of the statutory law in our State.

"Significant research and investigation into requested changes in criminal laws, business laws, and rules of civil procedure, and many others will be required of each of you.

"I feel confident in your abilities and willingness to uphold the long tradition of excellence, and I appreciate your willingness to assume and discharge this work so vital to the well-being of our State."

LAW ENFORCEMENT AND CRIME CONTROL COMMITTEE: Senators Raynor, Chairman; Creech, Vice-Chairman; Marvin, Vice-Chairperson; Allsbrook, Baker, Clarke, Jenkins, Johnson, Redman, Speed, Swain, and Thomas of Craven.

The President charges the Committee as follows:

"Senator Raynor and Members of the Committee:

"The increase in crime across the nation is on the minds of all our citizens. This increase has caused particular concern among public officials here in North Carolina.

"Your Committee will receive many bills and resolutions for consideration that are designed to tackle this problem. It is my desire that this Committee also conduct its own investigation, so that this Senate can ease the minds of all North Carolinians on these troubling matters.

"The Chair has every confidence in the work this Committee can and will do and appreciates your willingness to assume and discharge these duties."

LOCAL GOVERNMENT AND REGIONAL AFFAIRS COMMITTEE: Senators Marion, Chairman; Jenkins, Noble, Vice-Chairmen; Baker, Ballenger, Cavanagh, Clarke, Creech, Duncan, Mills, Soles, and Thomas of Henderson.

The President charges the Committee as follows:

"Senator Marion and Members of the Committee:

"During recent years there has been a sharp decrease in the number of local bills to be considered by the General Assembly. Therefore, it will be all the more critically important to examine each bill presented to determine if such legislation is in the best interest of the State.

"I also charge you to initiate your own investigation into fields of interest and bring to us any recommendations for necessary changes.

"I feel confident that this important work will be done fairly and well, and I appreciate your willingness to assume and discharge it."

MANUFACTURING, LABOR, AND COMMERCE COMMITTEE: Senators Jernigan, Chairman; Johnson, Rauch, Vice-Chairmen; Ballenger, Cockerham, Duncan, Harrington, Jordan, Kincaid, Thomas of Henderson, Walker, and Ward.

The President charges the Committee as follows:

"Senator Jernigan and Members of the Committee:

"The Committee on Manufacturing, Labor and Commerce is concerned primarily with the diversified business life of North Carolina. We depend upon textiles, furniture, tobacco and all the other industrial activities for the economic lifeblood of the State.

"Therefore, the work of this Committee is inextricably tied to the well-being of all our citizens.

"I charge you to carefully balance the needs and demands of all the interests of the State. I further charge you to be fair and deliberate in your work.

I appreciate your willingness to assume and discharge this important work."

NATURAL AND ECONOMIC RESOURCES AND WILDLIFE COMMITTEE:

Senators Thomas of Craven, Chairman; Duncan, Mills, Vice-Chairmen; Alford, Baker, Daniels, Hancock, Kincaid, Redman, Ward, and Wright.

The President charges the Committee as follows:

"Senator Thomas and Members of the Committee:

"How to provide for present and future growth while protecting our vital natural resources will be the scope of this Committee. I charge each one of you to thoughtfully and fairly balance the questions of development and growth in our State with the ideals of preservation and conservation of the gifts of nature.

"It's a delicate task and I feel certain that each one of you will give it your very best effort.

"I appreciate your willingness to assume and discharge this difficult work."

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Alford and Speed:

S. B. 5, a bill to permit the Nash County Board of Commissioners to appropriate additional funds for industrial development.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Allred:

S. B. 6, a bill to permit hunting foxes and deer with dogs in Alamance County with the written consent of the landowner.

Referred to **Natural and Economic Resources and Wildlife Committee**.

By Senators Allred and Cavanagh:

S. B. 7, a bill to raise the amount of the Homestead Exemption for elderly or disabled persons, and to increase the maximum income limit.

Referred to **Appropriations Committee**.

By Senators Creech, Johnson, and Wynne:

S. B. 8, a bill to permit members of the Teachers' and State Employees' Retirement System to purchase credit for prior temporary nonstudent State service.

Referred to **Appropriations Committee**.

By Senator Kincaid:

S. B. 9, a bill to change the time of election, number and terms of office of the members of the Burke County Public Schools Board of Education.

Referred to **Local Government and Regional Affairs Committee**.

Senator Marion rises to a point of personal privilege. Upon motion of Senator Hardison, the remarks of Senator Marion are spread upon the Journal as follows:

"Mr. President, I hesitated to make this speech, but I am going to anyway. Mr. President, I don't think it is any secret who I supported for Lieutenant Governor in the primary. I think it is public knowledge, as it is among other members. But, I just want you to know how much I appreciate, because Local Government and Regional Affairs was my number one preference for committee chairmanships and I want this whole body to know and the people of North Carolina, in fact, to know, how fair I think you have been to me, and I want to publicly thank you for it."

Senator Wynne rises to a point of personal privilege. Upon motion of Senator Hardison, the remarks of Senator Wynne are spread upon the Journal as follows:

"I would like to second what Senator Marion said. Thank you, sir."

Senator Rauch rises to a point of personal privilege. Upon motion of Senator Hardison, the remarks of Senator Rauch are spread upon the Journal as follows:

"Mr. President, following what some of our other Senators have said I certainly want to stand up and say to you that I am extremely happy with the committee, yet to be announced, which you and I have discussed, that I am going to chair. Truly, I am. Every one of us are mature and we are in politics and we understand—and I more than understand—furthermore, I never, ever saw the time when one person could do anything in this Body, it is a team effort. I am proud to be on this team. I am proud to be Vice-Chairman under Senator Duncan on Finance. I pledge him my absolute and complete help, as I do the Lieutenant Governor, and I am just happy and proud to be here—like we all are—and we are going to be the best Senate that North Carolina has ever had. Thank you."

Senator Frye rises to a point of personal privilege. Upon motion of Senator Hardison, the remarks of Senator Frye are spread upon the Journal as follows:

"There are so many speeches being made today
That I thought it appropriate to have my say.
As we prepare to adjourn, it is appropriate I guess,
For all to get up and then confess.

"I was for the other man in the primary, too,
but in the general election, I voted for you.
So I will join with the others and end the commotion,
and join in the second of Senator Marion's motion."

The Chair appoints Senators Warren, Hardison, Wynne, Creech, and Alford as an official delegation from the North Carolina Senate to attend the funeral of Jack M. Gardner, former colleague and Representative from Johnston County. The Lieutenant Governor will attend with the delegation.

On motion of Senator Lawing, duly seconded, the Senate adjourns to meet Monday at 8:00 P.M.

FOURTH DAY

SENATE CHAMBER,
Monday, January 19, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, as we begin this new week we are thankful for fresh opportunities for service. We know, however, that the calendar gives us only an illusion of newness, for time does not stop and start with the turning of a page, but flows in a continuing stream. It is only in Your mercy that we find a real new beginning, as past wrongs are forgiven, and our lives are made new and clean. Help us to claim that newness today, that we may be strengthened for the tasks that lie before us. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants a leave of absence to Senator Speed for tonight and to Senator Hancock for Wednesday, January 21. Leaves granted previously to Senators Ballenger and Boger are noted.

Senator Rauch serves as the Reading Clerk for tonight's Session.

The President recognizes the following pages serving in the Senate this week: Cindy Rebecca Brown, Andrews; Chris Coats, Willow Springs; Rosalie Horton, Winston-Salem; Juanita Doreen Jump, Louisburg; Bentley Mathis, Charlotte; and Lynda Katherine Carriker Snead, Ellerbe.

APPOINTMENT OF COMMITTEES

The President announces the following standing committee appointments:

PENSIONS AND RETIREMENT COMMITTEE: Senators Jenkins, Chairman; Barnes, Vice-Chairman; Alford, Ballenger, Hardison, Harrington, Kincaid, Lawing, Noble, Palmer, Royall, and Soles.

The President charges the Committee as follows:

"Senator Jenkins and Members of the Committee:

"This permanent Joint Committee as prescribed by Senate Bill 1003, 1979-80 Session will study all legislation involving State-administered retirement benefit or pension plans for public officers and employees. I charge you to analyze the benefits available to these public employees and recommend that legislation which will insure and maintain sound retirement and pension policy for all funds in accordance with the retirement systems actuarial note.

"I appreciate all your willingness to assume and discharge this important work."

PUBLIC UTILITIES AND ENERGY COMMITTEE: Senators Johnson, Chairman; Garrison, Rauch, Vice-Chairmen; Allsbrook, Hardison, Harrington, Lawing, Palmer, Royall, Smith, Walker, and Wright.

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The President charges the Committee as follows:

"Senator Johnson and Members of the Committee:

"The last few years have shown us all too sadly how dependent we are upon our energy sources and how vulnerable those sources are.

"The citizens of North Carolina are concerned about the availability of economical energy and about the regulation of all public utilities.

"It's important therefore that you listen to all segments of government, industry and consumers so that you can fairly serve the whole society.

"I am certain that this Committee will do its arduous task well, and I appreciate your willingness to assume and discharge this important work."

REDISTRICTING—CONGRESSIONAL COMMITTEE: Senators Marvin, Chairperson; Daniels, Wynne, Vice-Chairmen; Alford, Barnes, Cockerham, Frye, Jernigan, Jordan, Mathis, Redman, Swain, and Ward.

REDISTRICTING—SENATE COMMITTEE: Senators Rauch, Chairman; Duncan, Allsbrook, Vice-Chairmen; Allred, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Garrison, Gray, Hardison, Harrington, Kincaid, Lawing, Mills, Noble, Palmer, Raynor, Royall, Soles, Speed, Thomas of Craven, Thomas of Henderson, Walker, Warren, and Wright.

The President charges the Committees as follows:

"Senators Rauch and Marvin and Members of the Committees:

"The Census of 1980 demands that North Carolina redistrict the election boundaries to make as equal as possible the number of people contained in each senatorial and each congressional district. I charge each of you on both Committees to fairly and equitably re-apportion these districts so that each of our citizens gets the proper representation.

"The Chair realizes the importance of the work you will do on these Committees and is confident that it will be successfully discharged."

RULES AND OPERATION OF THE SENATE COMMITTEE: Senators Lawing, Chairman; Harrington, Royall, Vice-Chairmen; Allsbrook, Barnes, Hardison, Harris, Jordan, Kincaid, Mathis, Mills, Rauch, Raynor, and Soles.

The President charges the Committee as follows:

"Senator Lawing and Members of the Committee:

"Almost every large and purposeful organization in our great country has a set of formal rules governing its operation, and the Senate of North Carolina is no exception.

"An effective set of internal rules is necessary for this Body to be efficient and productive.

"Senator Lawing, I charge you and your Committee with the important task of promulgating and enforcing these rules, for we cannot be successful in tackling the problems facing our State unless our own house is in order.

"I know you will be firm but just in your deliberations.

"I appreciate your willingness to assume and discharge this important work."

SENIOR CITIZENS AFFAIRS COMMITTEE: Senators Gray, Chairperson; Harris, Vice-Chairman; Alford, Allred, Boger, Clarke, Jernigan, Johnson, McDuffie, Ward, White, and Wynne.

The President charges the Committee as follows:

"Senator Gray and Members of the Committee:

"As more North Carolinians live longer and as the median age of our citizens increases, the affairs of senior citizens takes on even more importance to every person in our State.

"Living on a fixed income, loneliness, fear of crime directed against them, health care, and the desire to continue making worthwhile contributions to society are just a few of the concerns of the elderly. This Committee is charged with reviewing bills and resolutions that pertain to our senior citizens and with initiating studies of their own.

"I know that you will fulfill these obligations to the best of your ability and I appreciate your willingness to do it."

SMALL BUSINESS COMMITTEE: Senators Thomas of Henderson, Chairman; Creech, Vice-Chairman; Allred, Boger, Cavanagh, Duncan, Frye, Lawing, Marion, Marvin, Noble, Smith, and Walker.

The President charges the Committee as follows:

"Senator Thomas and Members of the Committee:

"The plight of the small business person when confronted by increasing legislation is not unfamiliar to the Chair. I charge this Committee to review the legislation that comes before it, and to initiate any studies of their own into the area of small business.

"The small business person is an important member of the State's economy and this Committee will deal with their problems and their objectives in accordance with the public interest.

"I appreciate your willingness to assume and discharge this vital work."

STATE GOVERNMENT COMMITTEE: Senators Barnes, Chairman; Jordan, Vice-Chairman; Garrison, Hancock, Johnson, Lawing, Marvin, McDuffie, Rauch, Royall, Smith, and Warren.

The President charges the Committee as follows:

"Senator Barnes and Members of the Committee:

"The taxpayers of this State and indeed of the whole nation are crying out for efficiency in government. They deserve no less. I charge you to build carefully, to build for the future and to build with our taxpayers in mind. They have demanded efficiency—we must give it to them.

"Already there are those not satisfied with the work done by the General Assembly in this field. Perhaps some will never be satisfied. No man can please all of the people even

part of the time, so I presume that it is best to do that which squares with your conscience as you proceed. I charge you to concern yourselves with the best interests of all North Carolinians."

TRANSPORTATION COMMITTEE: Senators Harrington, Chairman; McDuffie, Vice-Chairman; Alford, Duncan, Garrison, Hardison, Lawing, Palmer, Rauch, Redman, Royall, Soles, Speed, Thomas of Craven, Walker, Ward, and Warren.

The President charges the Committee as follows:

"Senator Harrington and Members of the Committee:

"Our transportation system is one of the very best in the nation. This Committee has the delicate and vitally important task of legislating the preservation of and improvement upon that system in the fairest possible manner.

"A great deal of concern will be focused on this Committee. I charge this Committee to listen carefully and fairly to all arguments and present its recommendations on bills and resolutions in the clearest possible manner.

"I have every confidence in each member of this Committee and in the collective ability of it to carry out this work so vital to the entire State."

UNIVERSITY BOARD OF GOVERNORS COMMITTEE: Senators Vickery, Chairman; Royall, Vice-Chairman; Frye; Harrington, Harris, Jordan, Kincaid, Mills, Soles, and Swain.

The President charges the Committee as follows:

"Senator Vickery and Members of the Committee:

"The Committee on University Board of Governors has the responsibility for selecting those persons eminently qualified to give leadership during the next few years on the Board of Governors.

"Our system of higher education is an excellent one and the people who will serve on its Board of Governors must be chosen with great care. This Committee greatly assists in getting that selection process under way and in helping the Senate make its final decisions.

"I appreciate your willingness to assume and discharge this important work, and know you will do it with care."

VETERANS AND MILITARY AFFAIRS COMMITTEE: Senators Palmer, Chairman; Jenkins, Vice-Chairman; Cavanagh, Marion, Mills, Raynor, Redman, Smith, Thomas of Craven, and Wright.

The President charges the Committee as follows:

"Senator Palmer and Members of the Committee:

"North Carolina is justifiably proud of the size and number of our military operations as well as the personnel and retired persons who adopt this State as their home. This Committee is charged with considering legislation affecting the lives and affairs of those fine men and women. I have every confidence in your ability to proceed fairly and promptly, keeping in mind the importance of those installations and the value of those citizens.

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"I appreciate your willingness to assume and discharge this significant work."

WAYS AND MEANS COMMITTEE: Senators Royall, Chairman; Hardison, Lawing, Vice-Chairmen; Alford, Allsbrook, Ballenger, Barnes, Boger, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Hancock, Harris, Jordan, Mathis, Mills, Noble, Palmer, Rauch, Raynor, Speed, Swain, Thomas of Craven, Walker, and White:

The President charges the Committee as follows:

"Senator Royall and Members of the Committee:

"This Committee, which is responsible for coordinating decisions on taxing and spending, will play a vital role in the way we solve some of the State's most pressing problems. Our troubled Highway Fund can be dealt with by either tax decisions or appropriation decisions, or both; and it would be difficult to imagine a situation in which the coordination function of the Ways and Means Committee would take on greater significance. There will also be decisions to be made in connection with bond issues, and on tax adjustments that would have a direct effect on amounts available for appropriations, both now and in the future.

"I appreciate your willingness to assume this important work."

INTRODUCTION OF BILLS AND RESOLUTIONS

Bills and resolutions filed for introduction, presented to the Senate, read the first time, and held for the completion of Committee appointments are disposed of as follows:

By Senators Gray, Harris, Speed, Wynne, Ballenger, Cavanagh, Allred, Baker, Wright, and Smith:

S. B. 2, a bill to raise the income and property limits for the Homestead Exemption, and the appropriating funds to pay the additional cost.

Referred to **Senior Citizens Affairs Committee**.

By Senators Lawing, Mathis, McDuffie, and Cavanagh:

S. J. R. 4, a joint resolution calling for the Legislative Research Commission to study the annexation laws.

Referred to **Rules and Operation of the Senate Committee**.

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Kincaid, Wright, and Allred:

S. B. 10, a bill to provide for a study of the annexation laws, and providing for a moratorium on annexations until the completion of the study.

Referred to **Rules and Operation of the Senate Committee**.

By Senators Redman, Cockerham, Ballenger, Baker, Boger, and Smith:

S. B. 11, a bill to provide for equitable distribution of property upon divorce.

Referred to **Judiciary III Committee**.

By Senators Cockerham, Harris, Swain, Wright, Redman, Cavanagh, Allred, Baker, Kincaid, Smith, Duncan, and Allsbrook:

S. B. 12, a bill to increase both the Homestead Exemption for elderly or disabled persons and the qualifying income limit.

Referred to **Finance Committee**.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. J. R. 3, a joint resolution honoring the life and memory of Dr. Martin Luther King, Jr.

On motion of Senator Lawing, duly seconded, the Senate adjourns with silent prayer in memory of Thomas J. Baker, former Representative from Duplin County, to meet tomorrow at 12 M.

FIFTH DAY

SENATE CHAMBER,
Tuesday, January 20, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Edgar D. Byers, Pastor of Western Boulevard Presbyterian Church, Raleigh, as follows:

"Lord, God, of heaven and of earth, this is the day which You have made; we would rejoice and be glad in it. This is a day of new beginnings, of new hope, new opportunities. It is also a day like any other day - a day of anxieties, of discouragements, a day of sadness. We stand before You in the excitement of this day's events, the inauguration of the President of the United States of America, the release of our hostages. In this hour we call upon you to bless this Body of elected officials. Guide them in their deliberations, inspire them to noble action and ever give each of them a sense of their being a part of Your plans and purpose working themselves out for the good of the State of North Carolina and her people and all to the glory of Your name.

"For Christ's sake. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senators Cockerham, Speed, and Vickery for today.

Leaves of absence granted previously to Senators Ballenger and Boger are noted.

Senator Rauch serves as the Reading Clerk for today's Session.

S. B. 7, a bill to raise the amount of the Homestead Exemption for elderly or disabled persons, and to increase the maximum income limit.

The Chair directs that the bill be withdrawn from the **Appropriations Committee** and re-referred to the **Finance Committee**.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented, read the first time, and disposed of as follows:

By Senators Swain and Clarke:

S. B. 13, a bill to repeal certain special service extensions at the City of Asheville Airport because the area has been annexed.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Swain and Clarke:

S. B. 14, a bill to provide that when a vacancy occurs in the office of Sheriff of Buncombe County, the appointing authority shall appoint the person recommended by the county executive committee of the party from which the officer was nominated.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Swain and Clarke:

S. B. 15, a bill relating to sales and leases of real property by the Asheville City Council and Asheville Housing Authority.

Referred to **Local Government and Regional Affairs Committee**.

Senator Royall moves that Rule 40 be suspended to allow the introduction of the following resolution, which motion prevails by a two-thirds majority vote.

By Senators Royall, Hancock, Hardison, Marion, Rauch, Alford, Garrison, Jordan, Walker, Jernigan, Ward, Mills, Warren, Duncan, Gray, Clarke, Jenkins, Marvin, Daniels, Palmer, Thomas of Craven, Johnson, Redman, Allred, Smith, Harris, Lawing, Barnes, Allsbrook, Raynor, Soles, Harrington, Frye, Kincaid, Thomas of Henderson, Mathis, Cavanagh, Swain, and Creech.

S. R. 18, a Senate resolution recognizing an ecumenical service of worship at Duke University on the occasion of the end of captivity for the United States hostages in Iran.

On motion of Senator Royall, the rules are suspended and the resolution is placed before the Senate for immediate consideration.

On motion of Senator Royall, the Senate Resolution is adopted. (The text of this resolution appears in the Appendix.)

On motion of Senator Lawing, duly seconded, the Senate adjourns in silent meditation, honoring the fortieth President of the United States and the American hostages who were freed today in Iran, to meet tomorrow at 1:30 P.M.

SIXTH DAY

SENATE CHAMBER,

Wednesday, January 21, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"We praise and glorify Your Name, O Lord, for all Your many mercies to us, Your undeserving children. We are especially thankful today for the release of our fifty-two fellow countrymen. We rejoice with all people who love freedom at their return, and pray that You will use this occasion to bend our hearts and minds toward all who are enslaved. Remind us, even in our present joy, of brothers and sisters who are held captive by unjust political, social or economic systems; and do not allow us to become enslaved by ignorance, prejudice or fear. Help us, by Your power, to live and breathe and have our being as persons who are free not only in the flesh, but in mind and spirit as well. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senators Harris, Soles, Speed, Vickery and White for today. Senator Hancock's presence is noted. A leave of absence granted previously to Senator Ballenger is noted.

Senator Rauch serves as Reading Clerk for today's Session.

The President grants courtesies of the floor to Carl D. Totherow, former Senator from Forsyth County.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Noble:

S. B. 16, a bill to amend G. S. 20-218 to permit school buses that do not pick up children on public highways to operate at 45 m.p.h.

Referred to **Judiciary II Committee**.

By Senator Soles:

S. B. 17, a bill to change the standards for criminal justice officers to provide for pardons to be given effect by the North Carolina Criminal Justice Education and Training Standards Commission.

Referred to **Judiciary II Committee**.

By Senators Swain and Clarke:

S. B. 19, a bill to allow the Asheville City Council to close parks and other recreation facilities and sell, lease or otherwise dispose of the property.

Referred to **Local Government and Regional Affairs Committee**.

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By Senators Swain and Clarke:

S. B. 20, a bill relating to the disposition of property by the City of Asheville at private sale or lease to further the purposes of urban development action grants.

Referred to **Local Government and Regional Affairs Committee**.

On motion of Senator Lawing, duly seconded, the Senate adjourns to meet tomorrow at 1:00 P.M.

SEVENTH DAY

SENATE CHAMBER,
Thursday, January 22, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Through Your prophets, O God, You have called for justice to roll down like mighty waters, and righteousness like an ever-flowing stream. Help us to understand and confront systems, forces, and institutions that deny justice among Your people. Remind us daily of the needs of the poor, the disabled, the imprisoned and the aged among us, that we may work to bring justice and compassion to bear on their lives. As we live by Your mercy, teach us to show mercy to others. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senators Mathis and Vickery for today and to Senator Thomas of Craven for tomorrow, January 23. A leave of absence granted previously to Senator Ballenger is noted.

APPOINTMENT OF COMMITTEES

Changes in Committee appointments are noted as follows:

ALCOHOLIC BEVERAGE CONTROL COMMITTEE: Senator Mathis is appointed Vice-Chairman. Senator Jenkins is added as a member. Senator Cockerham is removed.

APPROPRIATIONS COMMITTEE: Senator Mathis is appointed Vice-Chairman. Senator Thomas of Craven is added as a member.

APPROPRIATIONS COMMITTEE ON EDUCATION: Senator Thomas of Craven is added as a member. Senator Jordan is removed.

APPROPRIATIONS COMMITTEE ON NATURAL AND ECONOMIC RESOURCES: Senator Marvin is added as a member. Senator Mills is removed.

BANKING COMMITTEE: Senators Cockerham, Jernigan, Johnson, Royall and Soles are added as members. Senators Daniels and Wynne are removed.

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BASE BUDGET COMMITTEE: Senator Mathis is added as a member.

ECONOMY COMMITTEE: Senator Ward is removed as a member.

FINANCE COMMITTEE: Senator Hardison is added as a member. Senator Thomas of Craven is removed.

HIGHER EDUCATION COMMITTEE: Senator Ward is removed as a member.

HUMAN RESOURCES COMMITTEE: Senator Cavanagh is removed as a member.

LOCAL GOVERNMENT AND REGIONAL AFFAIRS COMMITTEE: Senator Thomas of Craven is added as a member. Senator Mills is removed.

MANUFACTURING, LABOR AND COMMERCE COMMITTEE: Senator Allred is added as a member.

NATURAL AND ECONOMIC RESOURCES AND WILDLIFE COMMITTEE: Senator Speed is added as a member. Senator Alford is removed.

PENSIONS AND RETIREMENT COMMITTEE: Senator Duncan is added as a member. Senator Soles is removed.

PUBLIC UTILITIES AND ENERGY COMMITTEE: Senator Cockerham is added as a member.

RULES AND OPERATION OF THE SENATE COMMITTEE: Senators Ballenger and White are added as members.

SENIOR CITIZENS AFFAIRS COMMITTEE: Senators Hancock and Speed are added.

SMALL BUSINESS COMMITTEE: Senator Baker is added as a member.

STATE GOVERNMENT COMMITTEE: Senator Hardison is added as a member.

TRANSPORTATION COMMITTEE: Senator Wynne is added as a member and is appointed Vice-Chairman.

VETERANS AND MILITARY AFFAIRS COMMITTEE: Senator Thomas of Craven is appointed Vice-Chairman.

WAYS AND MEANS COMMITTEE: Senator Jordan is appointed Vice-Chairman.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Swain and Clarke:

S. B. 21, a bill to allow the City of Asheville to follow the General Law concerning advertisement of property leases.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Swain and Clarke:

S. B. 22, a bill to amend the Charter of the City of Asheville relating to the organization of city departments.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Boger:

S. J. R. 23, a joint resolution to establish the Joint Investigative Committee to investigate the Department of Transportation.

Referred to **Rules and Operation of the Senate Committee**.

By Senators Marvin, Jenkins, Gray, Walker, and Mathis:

S. B. 24, a bill for equitable distribution of marital property.

Referred to **Judiciary III Committee**.

Senator Royall moves that Rule 40 be suspended to allow the introduction of the following joint resolution, which motion prevails by a two-thirds majority vote.

By Senators Royall, Hardison, Swain, Alford, Harris, Redman, Raynor, Ward, Warren, Hancock, Walker, Allsbrook, White, Jernigan, and Smith:

S. J. R. 25, a joint resolution requesting the North Carolina Medical Society to assist in providing medical services to the General Assembly.

On motion of Senator Royall, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

Senator Royall offers Amendment No. 1 which is adopted.

The joint resolution, as amended, passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger without engrossment.

By Senators Lawing, Jenkins, Mathis, and McDuffie:

S. B. 26, a bill to amend Chapter VII of the Charter of the City of Charlotte relating to uptown development projects.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Johnson:

S. B. 27, a bill to permit cities and counties to transfer property to the United States, the United States Postal Service or assigns.

Referred to **Judiciary II Committee**.

By Senator Johnson:

S. B. 28, a bill to permit the board of directors of a business development corporation to negotiate the rate of interest payable on loans by members.

Referred to **Banking Committee**.

By Senators Hardison, Ward, Royall, Garrison, Walker, Lawing, Palmer, Frye, White, Rauch, Daniels, Alford, and Jordan:

S. B. 29, a bill to make appropriations for current operations of State departments, institutions, and agencies, and for other purposes.

Referred to **Appropriations Committee**.

By Senators Hardison, Ward, Jordan, Royall, Garrison, Walker, Lawing, Frye, White, Rauch, Palmer, Daniels, and Alford:

S. B. 30, a bill to make appropriations to provide capital improvements for State departments, institutions and agencies.

Referred to **Appropriations Committee**.

By Senators Cockerham, Kincaid, Allred, Smith, Boger, Baker, Redman, and Cavanagh:

S. B. 31, a bill to limit members of local community college and technical institute boards of trustees to one term.

Referred to **Higher Education Committee**.

By Senator Barnes:

S. B. 32, a bill to provide a marshal for the Court of Appeals.

Referred to **State Government Committee**.

By Senators Allred, Cockerham, and Smith:

S. B. 33, a bill to partially exempt money on deposit from the Intangibles Tax.

Referred to **Finance Committee**.

On motion of Senator Lawing, duly seconded, the Senate adjourns to meet tomorrow at 11:00 A.M.

EIGHTH DAY

SENATE CHAMBER,
Friday, January 23, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Almighty God, in Your divine plan You have set a rhythm of life that includes times for work and times for rest. We give You thanks for work that adds meaning and purpose to life, and for rest that nurtures, heals, and invigorates our minds and bodies. Grant that we shall use the weekend ahead in wisdom, so that through recreation and worship we shall be renewed and refreshed for another week of labor. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senators Vickery and Walker for today and to Senator Harrington for Monday and Tuesday, January 26 and 27. A leave of absence granted previously to Senator Ballenger is noted.

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INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Harris, Gray, Speed, and Wynne:

S. B. 34, a bill to provide that members of nursing home community advisory committees are State officers.

Referred to **Human Resources Committee**.

By Senators Kincaid and Baker:

S. B. 35, a bill to incorporate the Town of Gamewell in Caldwell County, subject to a referendum.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Noble:

S. B. 36, a bill to allow the City of Lumberton to grant prior service credits in the North Carolina Local Governmental Employees' Retirement System to employees for previous service as part-time or volunteer firemen.

Referred to **Pensions and Retirement Committee**.

By Senators Gray, Harris, Speed, and Wynne:

S. J. R. 37, a joint resolution to permit the continuance of the work of the Legislative Research Commission's Study on the Problems of Aging as begun under Resolution 86 of the 1977 Session As Amended by Resolution 106 of the 1977 Session (2nd Session 1978) and by Resolution 62 of the 1979 Session.

Referred to **Senior Citizens Affairs Committee**.

By Senators Gray, Harris, Speed, and Wynne:

S. B. 38, a bill to clarify the exemption procedure for jury duty for persons aged sixty-five or over.

Referred to **Judiciary I Committee**.

By Senators Speed, Gray, Harris, Wynne, Alford, and Cavanagh:

S. B. 39, a bill to require that application need only be made once for the Homestead Exemption for the elderly and disabled.

Referred to **Finance Committee**.

By Senators Speed, Wynne, Harris, Gray, Alford, and Cavanagh:

S. B. 40, a bill to make abuse of or injury to an elderly person a felony.

Referred to **Judiciary I Committee**.

By Senators Smith and Boger:

S. B. 41, a bill to allow Rowan County to name private roads in unincorporated areas, and simplify the process of naming roads in that County.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Cockerham, Allred, Baker, Alford, Barnes, Boger, Smith, Palmer, Lawing, Jenkins, Clarke, McDuffie, Speed, Raynor, Soles, Frye, Walker, Harris, White,

Gray, Hardison, Ward, Harrington, Royall, Allsbrook, Rauch, Hancock, Redman, Thomas of Craven, Garrison, Cavanagh, and Thomas of Henderson:

S. J. R. 42, a joint resolution recognizing china painting as a fine art and declaring May as North Carolina Porcelain Art Month.

Referred to **Rules and Operation of the Senate Committee**.

By Senator Mills:

S. B. 43, a bill to amend the Employment Security Law to restrict retirement payment offsets against unemployment insurance benefits to those retirement payments paid by base period intervening or last employer.

Referred to **Veterans and Military Affairs Committee**.

By Senators Wright and Kincaid:

S. J. R. 44, a joint resolution condemning the nation of Iran for its treatment of our hostages.

Referred to **Rules and Operation of the Senate Committee**.

On motion of Senator Lawing, duly seconded, the Senate adjourns to meet Monday at 8:00 P.M.

NINTH DAY

SENATE CHAMBER,
Monday, January 26, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, Your ways are sometimes mysterious to us Your children, yet we know Your will for us is good. As You have called us to be Your servants in the world, so reveal to us by the power of Your spirit what is good and true and right. We confess that it is sometimes difficult to separate our personal feelings and desires from what we perceive to be Your will, and we substitute our own judgment for Your guidance. Forgive our sin, and open us to Your leadership in all the decisions we make, that what we do may reflect to Your glory, and serve the people of this State. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants a continuing leave of absence to Senator Soles due to Federal Court proceedings of undetermined length, requiring his presence. A leave of absence granted previously to Senator Harrington is noted.

The President extends courtesies of the gallery to Mrs. C. Blake Thomas, widow of the late Representative C. Blake Thomas, and to his family.

The President recognizes the following pages serving in the Senate this week: Jacqueline M. Cavanagh, Winston-Salem; Suzanne Edwards, Raleigh; Lauren Elder, High Point; Sharon Jane Lane, Raleigh; Laurence Leinbach, Jr., Winston-Salem; Mark Parker, Winston-Salem; Mia Annette Parker, Como; Adair Pulley, Raleigh; Crystal Alison Stout, Wilson; Mark Wachtel, Winston-Salem; Sandy Whitley, Como; and Mary Gaye York, Sanford.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Cockerham:

S. B. 45, a bill to provide for the election of public defenders.

Referred to **Courts and Judicial Districts and Criminal Justice Committee**.

By Senators Jordan, Mathis, Hardison, Jernigan, Walker, Redman, Marvin, Allred, Gray, Hancock, Garrison, McDuffie, Cockerham, and Smith:

S. B. 46, a bill to provide for a revenue sharing program between the State and local governments.

Referred to **Appropriations Committee**.

By Senator Allred:

S. B. 47, a bill to exempt all interest on most savings from an individual's gross income to make money available at lower interest rates for home, auto and personal loans.

Referred to **Finance Committee**.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H. J. R. 4, a joint resolution honoring the life and memory of C. Blake Thomas, a former member of the General Assembly.

On motion of Senator Lawing, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered enrolled.

H. J. R. 66, a joint resolution inviting His Excellency, Governor James B. Hunt, Jr., to address a Joint Session of the Senate and House of Representatives at 8:30 P.M., Monday, February 2, 1981.

On motion of Senator Lawing, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered enrolled.

On motion of Senator Lawing, duly seconded, the Senate adjourns to meet tomorrow at 1:30 P.M.

TENTH DAY

SENATE CHAMBER,
Tuesday, January 27, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Dr. Edwin Pickard, Pastor of White Memorial Presbyterian Church, Raleigh, as follows:

"Lord God, we acknowledge that there is something very exciting about new beginnings — a new year, a new biennium, new colleagues, a new ball game. Bless these Senators as they go about the legislative process today and each day. Help them not just to fashion more laws but better laws: protecting the rights of all of our people, correcting injustices, demonstrating compassion, promoting peace. Enable them to unsnarl legislative tangles of the past. Grant them good judgment to see the things that don't need doing, the vision to perceive things that must be done, and the wisdom to tell the difference.

"On this special day in our nation's Capital, when the President of our country welcomes the hostages home, we join with him and with them and their families, and with all the citizens of our land, in thanking You for their release. We thank You for former President Carter and for all the others who have worked so hard, and in so many ways, to make all this possible. We thank You for their families who have brought to them whatever support they could throughout their days of captivity, and who have welcomed them with such love upon their return. For the memories of home, the love of freedom, the faith in God that have brought them through, we praise You.

"Bless us as we go about the responsibilities of this day; and we give You the glory in our Lord's name. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants a leave of absence to Senator Harris for today and to Senator Daniels for tomorrow, January 28. Leaves granted previously to Senators Harrington and Soles are noted.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Harris:

S. B. 48, a bill to add an additional assistant clerk of court and an assistant deputy clerk of court in Cleveland County.

Referred to **Appropriations Committee**.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. J. R. 4, a joint resolution honoring the life and memory of C. Blake Thomas, a former member of the General Assembly.

H. J. R. 66, a joint resolution inviting His Excellency, Governor James B. Hunt, Jr., to address a Joint Session of the Senate and House of Representatives at 8:30 P.M., Monday, February 2, 1981.

On motion of Senator Lawing, duly seconded, the Senate adjourns to meet tomorrow at 1:30 P.M.

ELEVENTH DAY

SENATE CHAMBER,
Wednesday, January 28, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Steve Bolton, Pastor of Hillcrest Baptist Church, Raleigh, as follows:

"Our gracious thanks be unto You, Eternal God, for this day of service to You and to the people of North Carolina. Our first call unto Thee is for discerning grace and sensitive spirits that we might be attentive to our servant responsibility. Quicken our minds to any injustice or imbalance of truth. Grant us patience and respect for one another during debate in order that the fruit of legislation may result in the highest good. We seek Your courage and wisdom to make the best decisions amidst complex issues and special interests. May all that is begun and accomplished today work together for righteousness. Be Thou our guide, O Lord. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants a leave of absence to Senator Vickery for today and to Senator Duncan for tomorrow and Friday, January 29 and 30. A leave of absence granted previously to Senator Daniels is noted. Senator Soles is present.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Marion for the **Local Government and Regional Affairs Committee**:

S. B. 5, a bill to permit the Nash County Board of Commissioners to appropriate additional funds for industrial development, with a favorable report.

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S. B. 9, a bill to change the time of election, number and terms of office of the members of the Burke County Public Schools Board of Education, with a favorable report.

On motion of Senator Marion, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger.

S. B. 13, a bill to repeal certain special service extensions at the City of Asheville Airport because the area has been annexed, with a favorable report, as amended.

S. B. 14, a bill to provide that when a vacancy occurs in the office of Sheriff of Buncombe County, the appointing authority shall appoint the person recommended by the county executive committee of the party from which the officer was nominated, with a favorable report.

S. B. 15, a bill relating to sales and leases of real property by the Asheville City Council and Asheville Housing Authority, with a favorable report.

S. B. 19, a bill to allow the Asheville City Council to close parks and other recreation facilities and sell, lease or otherwise dispose of the property, with a favorable report.

S. B. 20, a bill relating to the disposition of property by the City of Asheville at private sale or lease to further the purposes of urban development action grants, with a favorable report.

S. B. 21, a bill to allow the City of Asheville to follow the General Law concerning advertisement of property leases, with a favorable report.

S. B. 22, a bill to amend the Charter of the City of Asheville relating to the organization of city departments, with a favorable report.

S. B. 35, a bill to incorporate the Town of Gamewell in Caldwell County, subject to a referendum, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Thomas of Henderson:

S. B. 49, a bill to provide that the city manager of the City of Hendersonville need not become a resident of that City.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Barnes, Daniels, Harrington, Redman, Alford, Jenkins, Mathis, Raynor, Speed, Lawing, McDuffie, Thomas of Henderson, Clarke, Boger, Ward, Noble, Smith, Ballenger, Swain, Cockerham, Johnson, Thomas of Craven, Creech, and Cavanagh:

S. B. 50, a bill to place the phrase "First in Flight" and a representation of the Wright Brothers' airplane on registration plates.

Referred to **Transportation Committee**.

By Senators Swain and Clarke:

S. B. 51, a bill to disband the Asheville Fireman's Pension and Disability Fund.
Referred to **Pensions and Retirement Committee**.

By Senators Swain and Clarke:

S. B. 52, a bill to abolish the Asheville Boxing and Wrestling Commission and to exempt the City of Asheville from certain provisions of the General Statutes relating to prize fighting.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Swain and Clarke:

S. B. 53, a bill to amend the charter of the City of Asheville relating to the effective date of ordinances.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Swain and Clarke:

S. B. 54, a bill to amend G. S. 128-24 so as to exempt certain employees and retired employees of the City of Asheville from its provisions prohibiting dual membership in two pension funds of the State of North Carolina.

Referred to **Pensions and Retirement Committee**.

By Senator Ward:

S. B. 55, a bill to specifically include "Nursing Homes" within the definition of "Health Care Facilities" as contained in G. S. Chapter 131A, the Health Care Facilities Finance Act.

Referred to **State Government Committee**.

By Senators Walker and Vickery:

S. B. 56, a bill to provide that members of the Randolph County Board of Commissioners shall reside in and represent districts, but the qualified voters of the entire County shall nominate and elect all members.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Kincaid and Baker:

S. B. 57, a bill to appropriate funds to promote production of the outdoor drama "From This Day Forward."

Referred to **Appropriations Committee**.

On motion of Senator Lawing, seconded by Senator Allsbrook, the Senate adjourns to meet tomorrow at 1:30 P.M.

TWELFTH DAY

SENATE CHAMBER,
Thursday, January 29, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

January 29, 1981

Prayer is offered by the Reverend John White, Pastor of St. James United Methodist Church, Raleigh, as follows:

"Lord, on this 'National Day of Thanksgiving,' we pause to express our appreciation for this great land in which we live. We are especially appreciative for the spirit of unity brought about in recent days by the freeing of our fellow Americans from Iranian imprisonment. May this same spirit prevail as we who are Americans intentionally strive to overcome 'oppression' with 'freedom' for all members of the human family.

"We are also thankful, O God, for our part of the United States—North Carolina—in whose legislature we have been chosen to serve. We pray that You will continue to endow us with Your love and wisdom so that we will be more sensitive to the many needs of her citizens and make decisions accordingly, this day and every day. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

A leave of absence granted previously to Senator Duncan is noted.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles; together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Judiciary II Committee**:

S. B. 16, a bill to amend G. S. 20-218 to permit school buses that do not pick up children on public highways to operate at 45 m.p.h., with a favorable report.

S. B. 17, a bill to change the standards for criminal justice officers to provide for pardons to be given effect by the North Carolina Criminal Justice Education and Training Standards Commission, with a favorable report.

By Senator Lawing for the **Rules and Operation of the Senate Committee**:

S. J. R. 42, a joint resolution recognizing china painting as a fine art and declaring May as North Carolina Porcelain Art Month, with a favorable report.

S. J. R. 44, a joint resolution condemning the Nation of Iran for its treatment of our hostages, with a favorable report, as amended.

On motion of Senator Wright, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

On motion of Senator Lawing, Committee Amendments No. 1 and No. 2 are adopted.

Senator Creech moves that the joint resolution, as amended, be recommitted to the **Rules and Operation of the Senate Committee**, which motion fails to prevail.

Senator Marvin offers Amendment No. 3 which is subsequently withdrawn.

Senator Johnson offers Amendment No. 4 which is adopted.

The joint resolution, as amended, passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger without engrossment.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Ballenger, Wright, Baker, Kincaid, Redman, Cavanagh, Boger, Allred, and Smith:

S. B. 58, a bill to index personal income tax rates and deductions to the cost-of-living index, so as to avoid increasing taxes beyond the rate of inflation.

Referred to **State Government Committee**.

By Senators Marion, Mathis, Thomas of Henderson, Thomas of Craven, and Warren:

S. B. 59, a bill to double the liquor taxes and make the increase payable to the Highway Fund.

Referred to **Finance Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 5, a bill to permit the Nash County Board of Commissioners to appropriate additional funds for industrial development.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 13, a bill to repeal certain special service extensions at the City of Asheville Airport because the area has been annexed.

On motion of Senator Clarke, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 14, a bill to provide that when a vacancy occurs in the office of Sheriff of Buncombe County, the appointing authority shall appoint the person recommended by the county executive committee of the party from which the officer was nominated.

Senator Swain offers Amendment No. 1.

On motion of Senator Jordan, the bill with pending Amendment No. 1 is re-referred to the **Law Enforcement and Crime Control Committee**.

S. B. 15, a bill relating to sales and leases of real property by the Asheville City Council and Asheville Housing Authority.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 19, a bill to allow the Asheville City Council to close parks and other recreation facilities and sell, lease or otherwise dispose of the property.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 20, a bill relating to the disposition of property by the City of Asheville at private sale or lease to further the purposes of urban development action grants.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 21, a bill to allow the City of Asheville to follow the General Law concerning advertisement of property leases.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 22, a bill to amend the Charter of the City of Asheville relating to the organization of city departments, upon second reading.

The bill passes its second reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 48.

The bill remains on the Calendar upon third reading.

S. B. 35, a bill to incorporate the Town of Gamewell in Caldwell County, subject to a referendum, upon second reading.

The bill passes its second reading by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 49.

The bill remains on the Calendar upon third reading.

On motion of Senator Lawing, seconded by Senator White, the Senate adjourns in memory of those brave souls who gave their lives in the aborted attempt to rescue the American hostages in Iran, to meet tomorrow at 11:00 A.M.

THIRTEENTH DAY

SENATE CHAMBER,
Friday, January 30, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Joe Brown, Pastor of Lovegrove AME Zion Church, Swann, and a member of the North Carolina State Senate Sergeant-at-Arms staff.

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senators McDuffie, Mills, Rauch, and White for today. A leave of absence granted previously to Senator Duncan is noted.

REPORT OF COMMISSION

Senator Royall submits for the **Mental Health Study Commission**, created by Resolution 80 of the 1973 General Assembly and extended by Chapter 215 of the 1979 Session Laws, First Session, the Final Report of the Mental Health Study Commission to the Governor and the 1981 General Assembly. (A copy of the Report is on file in the Legislative Library.)

The President orders a Special Message sent to the House of Representatives informing that Honorable Body that pursuant to **H. J. R. 66**, a joint resolution inviting His Excellency, Governor James B. Hunt, Jr., to address a Joint Session of the Senate and House of Representatives at 8:30 P.M., Monday, February 2, 1981, the following members of the Senate have been appointed to serve with a like Committee of the House to invite, greet, and escort the Governor to the Joint Session: Senator Alford and Senator Speed.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Allsbrook for the **Judiciary I Committee**:

S. B. 38, a bill to clarify the exemption procedure for jury duty for persons aged sixty-five or over, with a favorable report, as amended.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Speed and Alford:

S. B. 60, a bill to allow Franklin County to follow the general law concerning publication of rules and regulations of its Board of Health.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Baker:

S. B. 61, a bill to add two additional clerks of court in Wilkes County.

Referred to **Courts and Judicial Districts and Criminal Justice Committee**.

By Senators Barnes, Speed, Marion, Ballenger, Marvin, and Thomas of Henderson:

S. B. 62, a bill to abolish the distinction between accessories before the fact and principals and to make accessories before the fact punishable as principal felons.

Referred to **Judiciary III Committee**.

By Senators Cockerham, Boger, Kincaid, Baker, Cavanagh, Ballenger, Wright, Allred, Redman, Rauch, and Smith:

S. B. 63, a bill to amend the Constitution of North Carolina to reserve to the people the right of initiative and referendum in matters of taxation.

Referred to **Constitutional Amendments Committee**.

By Senator Lawing:

S. B. 64, a bill amending G. S. 20-88(b)(4) to redefine farm products.
Referred to **Transportation Committee**.

By Senator Thomas of Craven:

S. B. 65, a bill to repeal a restriction in the Charter of the City of Dover concerning spirituous liquors.
Referred to **Alcoholic Beverage Control Committee**.

By Senators Garrison, Lawing, Hardison, Cockerham, Gray, Harris, Alford, Duncan, Ballenger, Smith, Allsbrook, Swain, and Redman:

S. B. 66, a bill to amend G. S. 24-1.1 relating to contract loan rates.
Referred to **Banking Committee**.

By Senators Garrison, Lawing, Hardison, Cockerham, Duncan, Gray, Harris, Smith, Alford, Allsbrook, Swain, Redman, and Ballenger:

S. B. 67, a bill to amend G. S. 24-1.2 relating to installment loan rates.
Referred to **Banking Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 10, a bill to permit the City of Wilson to participate in the Urban Development Action Program and to lend or grant the moneys received from the United States Department of Housing and Urban Development to private developers.
Referred to **Local Government and Regional Affairs Committee**.

H. B. 46, a bill to amend Chapter 93, entitled "Public Accountants."
Referred to **Judiciary II Committee**.

H. B. 54, a bill to permit the City of New Bern to construct, operate, and lease a marina.
Referred to **Local Government and Regional Affairs Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 16, a bill to amend G. S. 20-218 to permit school buses that do not pick up children on public highways to operate at 45 m.p.h.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 17, a bill to change the standards for criminal justice officers to provide for pardons to be given effect by the North Carolina Criminal Justice Education and Training Standards Commission.

Senator Soles offers Amendment No. 1 which is adopted.

The bill as amended passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger without engrossment.

S. B. 22, a bill to amend the Charter of the City of Asheville relating to the organization of city departments, upon third reading.

The bill passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, Noble, Palmer, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, Wright, and Wynne — 45.

The bill is ordered sent to the House of Representatives.

S. B. 35, a bill to incorporate the Town of Gamewell in Caldwell County, subject to a referendum, upon third reading.

The bill passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, Noble, Palmer, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, Wright, and Wynne — 45.

The bill is ordered sent to the House of Representatives.

S. J. R. 42, a joint resolution recognizing china painting as a fine art and declaring May as North Carolina Porcelain Art Month.

The joint resolution passes its second and third readings and is ordered sent to the House of Representatives.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 9, an act to change the time of election, number and terms of office of the members of the Burke County Public Schools Board of Education.

On motion of Senator Lawing, seconded by Senator Jenkins, the Senate adjourns to meet Monday at 8:00 P.M.

FOURTEENTH DAY

SENATE CHAMBER,
Monday, February 2, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, we thank You for quiet times; for moments when we can escape the rush and excitement of busy schedules. We are so frantic in our activity, Lord, that it sometimes appears that we cannot affirm our worth in any way other than by rushing

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about. Help us to take some times for ourselves, and time for being open to You. We complain that You do not speak, but the truth often is that we do not take the time to listen. Keep before us Your promise to speak in a still, small voice; and teach us to be quiet, so we may hear: and hearing, be refreshed and renewed for service. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants a continuing leave of absence to Senator Soles, due to Federal Court proceedings of undetermined length requiring his presence.

The President recognizes the following pages serving in the Senate this week: Blayne Benjamine Burmahl, Jr., Wilmington; Eugene B. Davis, Jr., Jacksonville; Anthony "Mark" Devine, Iron Station; Garrick Codrington Francis, Raleigh; Beverly Dawn Hester, Clarkton; "Sissy" Frances Howard, Concord; Catherine Lyons Howell, Seaboard; Joseph Thompson Johnston, Wilmington; Leigh Mauney, Kings Mountain; Karen Elizabeth Peck, Lumberton; and J. Hall Thorp, Rocky Mount.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Noble:

S. B. 68, a bill to amend Chapter 7A of the General Statutes to authorize an additional magistrate for Robeson County.

Referred to **Courts and Judicial Districts and Criminal Justice Committee**.

By Senators Daniels and Harrington:

S. B. 69, a bill to appropriate funds for structural reinforcement of historic site property and archaeological resources at historic Bath Town.

Referred to **Appropriations Committee**.

By Senator Lawing:

S. R. 70, a Senate resolution adopting the permanent rules of the Senate for the 1981 Session of the General Assembly of North Carolina.

Referred to **Rules and Operation of the Senate Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 12, a bill to repeal the three percent gross receipts tax on private toll bridges.
Referred to **Finance Committee**.

H. B. 13, a bill to repeal collection procedures for the State property tax for the 1931-33 biennium, and to eliminate an annual county report on collection of that tax.
Referred to **Finance Committee**.

H. B. 16, a bill to provide a mechanism for distribution of intangibles tax, local government sales and use tax, and Mecklenburg County sales and use tax when the

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valuation of a public service company is under appeal.

Referred to **Finance Committee**.

H. B. 24, a bill to provide that the Macon County Board of Education shall take office in December following the election, and to provide that vacancies occurring in the first two years of a term shall be filled by appointment only until the next election.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 36, a bill to repeal the privilege license tax for those repairing and servicing elevators and automatic sprinkler systems.

Referred to **Finance Committee**.

H. B. 37, a bill to repeal the privilege license tax on motor advertisers.

Referred to **Finance Committee**.

H. B. 38, a bill to repeal the privilege license tax on itinerant photographers.

Referred to **Finance Committee**.

H. B. 74, a bill to clarify the authority of local boards of education to enter into leases with other governmental units.

Referred to **State Government Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 38, a bill to clarify the exemption procedure for jury duty for persons aged sixty-five or over.

On motion of Senator Swain, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. J. R. 66

HOUSE OF REPRESENTATIVES

February 2, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to **H. J. R. 66**, a joint resolution inviting His Excellency, Governor James B. Hunt, Jr., to address a Joint Session of the Senate and House of Representatives at 8:30 P.M., Monday, February 2, 1981, the House of Representatives stands ready to receive the Senate in Joint Session at 8:30 P.M., and the Speaker has appointed as escorts the following members.

Representative Vernon James

Representative David Parnell

Representative George Miller

Representative Betty Thomas

Respectfully,

GRACE COLLINS

Principal Clerk

February 2, 1981

The President orders a special message sent to the House of Representatives informing that Honorable Body that the Senate stands ready to repair to the Hall of the House there to sit in Joint Session with that Honorable Body for the purpose of receiving the Governor's message, pursuant to **H. J. R. 66**.

On motion of Senator Lawing, seconded by Senator Duncan, the Senate recesses to meet in Joint Session in the House of Representatives for the purpose of receiving the Governor's Special Message on Crime and upon dissolution of the Joint Session to stand adjourned to meet tomorrow at 1:30 P.M.

JOINT SESSION

The Senate is received by the members of the House of Representatives standing and the Joint Session is called to order by the Honorable James C. Green, Lieutenant Governor.

The President recognizes Senator Alford who presents His Excellency, Governor James B. Hunt, Jr., who delivers his Special Message on Crime. (Pursuant to **H. J. R. 66**, the text of the address appears in the Appendix.)

On motion of Senator Lawing, seconded by Senator Royall, the Joint Session is dissolved and, pursuant to his motion heretofore made, the Senate stands adjourned to meet tomorrow at 1:30 P.M.

FIFTEENTH DAY

SENATE CHAMBER,
Tuesday, February 3, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"We approach You this day, O God, with a mixture of love and holy fear. We come in love because of Your many mercies to us—Your caring, Your concern, and Your grace. Yet we are also fearful because we know how far short we fall in measuring up to Your expectations of us in creation. Help us to be open to Your wisdom, that we may live as Your obedient children, serving You and each other in the shadow of Your love. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants a leave of absence to Senator Alford for today. A leave of absence granted previously to Senator Soles is noted.

APPOINTMENT

Pursuant to G. S. 143-4, the President appoints Senator Harold W. Hardison, Senator Kenneth C. Royall, Jr., Senator Conrad R. Duncan, Jr., and Senator Robert S. Swain to serve as members of the Advisory Budget Commission, effective immediately for a term of two years.

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APPOINTMENT OF COMMITTEES

Changes in committee appointments are noted as follows:

APPROPRIATIONS COMMITTEE ON GENERAL GOVERNMENT AND TRANSPORTATION: Senator Boger is added as a member. Senator Garrison is removed.

APPROPRIATIONS COMMITTEE ON NATURAL AND ECONOMIC RESOURCES: Senator Garrison is added as a member. Senator Boger is removed.

BANKING COMMITTEE: Senator Jernigan is removed as a member.

MANUFACTURING, LABOR AND COMMERCE COMMITTEE: Senator Walker is removed as a member.

PUBLIC UTILITIES AND ENERGY COMMITTEE: Senator Walker is removed as a member.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 26, a bill to repeal the authority of counties to exempt from the State privilege license tax on peddlers certain Confederate and Spanish-American war veterans.

Referred to **Finance Committee**.

H. B. 69, a bill to amend G. S. 50-10 to clarify that notice of hearing or trial not required when defendant does not make an appearance.

Referred to **Judiciary I Committee**.

On motion of Senator Lawing, seconded by Senator Rauch, the Senate adjourns to meet tomorrow at 1:30 P.M.

SIXTEENTH DAY

SENATE CHAMBER,
Wednesday, February 4, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend J. Edward Morrison, Coordinator of Youth/Young Adult Ministry, North Carolina Conference of the United Methodist Church, Raleigh, as follows:

"God and Father of us all,

"We thank You for the accumulative blessings of this day, those we have experienced as pleasurable and those that seem now not to be in our favor.

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"For our great State, its governor, its houses of government, and all its elected officials, we ask Your guidance. Particularly on this day and at this hour, we ask Your blessings upon this Senate and its members. May their debates be honest, and their decisions fair and to the benefit of all humanity.

"In the name of Him whose work was peace.

"Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senators Alford and Marion for today. A leave of absence granted previously to Senator Soles is noted.

The President extends courtesies of the floor to Carl J. Stewart, Jr., former Speaker of the House of Representatives.

H. B. 69, a bill to amend G. S. 50-10 to clarify that notice of hearing or trial not required when defendant does not make an appearance.

On motion of Senator Allsbrook the rules are suspended and the bill is taken from the **Judiciary I Committee** and referred to the **Judiciary III Committee**.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Duncan for the **Finance Committee**:

S. B. 39, a bill to require that application need only be made once for the Homestead Exemption for the elderly and disabled, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Duncan, the rules are suspended and the bill is placed before the Senate for immediate consideration.

On motion of Senator Duncan, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for tomorrow, February 5.

H. B. 12, a bill to repeal the three percent gross receipts tax on private toll bridges, with a favorable report.

On motion of Senator Duncan, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

H. B. 13, a bill to repeal collection procedures for the State property tax for the 1931-33 biennium, and to eliminate an annual county report on collection of that tax, with a favorable report.

On motion of Senator Duncan, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

H. B. 16, a bill to provide a mechanism for distribution of intangibles tax, local government sales and use tax, and Mecklenburg County sales and use tax when the

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valuation of a public service company is under appeal, with a favorable report.

On motion of Senator Duncan, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

H. B. 36, a bill to repeal the privilege license tax for those repairing and servicing elevators and automatic sprinkler systems, with a favorable report.

On motion of Senator Duncan, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

H. B. 37, a bill to repeal the privilege license tax on motor advertisers, with a favorable report.

On motion of Senator Duncan, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

H. B. 38, a bill to repeal the privilege license tax on itinerant photographers, with a favorable report.

On motion of Senator Duncan, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

By Senator Creech for the **Judiciary III Committee**:

S. B. 62, a bill to abolish the distinction between accessories before the fact and principals and to make accessories before the fact punishable as principal felons, with a favorable report.

By Senator Jenkins, for Senator Marion, for the **Local Government and Regional Affairs Committee**:

S. B. 56, a bill to provide that members of the Randolph County Board of Commissioners shall reside in and represent districts, but the qualified voters of the entire County shall nominate and elect all members, with a favorable report.

By Senator Barnes for the **State Government Committee**:

S. B. 32, a bill to provide a marshal for the Court of Appeals, with a favorable report.

S. B. 55, a bill to specifically include "Nursing Homes" within the definition of "Health Care Facilities" as contained in G. S. Chapter 131A, the Health Care Facilities Finance Act, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Marvin, White, Duncan, Daniels, Clark, Jordan, Ward, Jernigan, Walker, Thomas of Henderson, Warren, Wynne, Creech, Johnson, Vickery, Rauch, and Thomas of Craven:

S. B. 71, a bill to authorize, subject to a vote of the qualified voters of the State, the issuance of six hundred million dollars of bonds of the State to provide funds for public school facilities in the counties of the State.

Referred to **Finance Committee**.

By Senator Barnes:

S. B. 72, a bill to amend the Fair Sentencing Act, As Amended in 1980.

Referred to **Judiciary III Committee**.

By Senator Allred:

S. B. 73, a bill to save taxpayers of counties substantial amounts of money by eliminating the requirement of actual visitation during revaluation.

Referred to **Finance Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. J. R. 48, a joint resolution to permit the continuance of the work of the Legislative Research Commission's Study on the Problems of Aging as begun under Resolution 86 of the 1977 Session As Amended by Resolution 106 of the 1977 Session (2nd Session 1978) and by Resolution 62 of the 1979 Session.

Referred to **Senior Citizens Affairs Committee**.

H. B. 65, a bill to provide that the Speaker of the House of Representatives may designate a person to serve for him on certain boards and commissions.

Referred to **State Government Committee**.

On motion of Senator Lawing, seconded by Senator Harris, the Senate adjourns to meet tomorrow at 1:30 P.M.

SEVENTEENTH DAY

SENATE CHAMBER,

Thursday, February 5, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father: We acknowledge that You are the author of every good and perfect gift, and we praise You for the many blessings You give us in creation. Help us to be faithful stewards of all we have received, especially the gift of our own intelligence. Do not let us become lazy or indifferent, but challenge us each day to stretch our minds to meet the challenges and opportunities of a changing world. Remind us daily of the wise saying in Your Holy Book that: 'the fear of the Lord is the beginning of knowledge, but fools scorn wisdom and discipline,' and that the important thing about the time we spend here is the quality we bring to it, not its quantity. Amen."

February 5, 1981

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants a leave of absence to Senator Harrington for today and to Senators Harrington, Vickery, and Kincaid for tomorrow, February 6. A leave of absence granted previously to Senator Soles is noted.

APPOINTMENT OF SELECT COMMITTEE

The President appoints the following select committee:

SELECT COMMITTEE ON THE DEPARTMENT OF TRANSPORTATION: Senators Rauch, Chairman; Boger, Lawing, Noble, and Thomas of Henderson. (See Appendix)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Vickery for the **Judiciary II Committee**:

S. B. 27, a bill to permit cities and counties to transfer property to the United States, the United States Postal Service or assigns, with a favorable report.

H. B. 46, a bill to amend Chapter 93, entitled "Public Accountants," with a favorable report.

By Senator Creech for the **Judiciary III Committee**:

H. B. 69, a bill to amend G. S. 50-10 to clarify that notice of hearing or trial not required when defendant does not make an appearance, with a favorable report.

By Senator Marion for the **Local Government and Regional Affairs Committee**:

S. B. 41, a bill to allow Rowan County to name private roads in unincorporated areas, and simplify the process of naming roads in that County, with a favorable report.

S. B. 49, a bill to provide that the city manager of the City of Hendersonville need not become a resident of that City, with a favorable report.

S. B. 53, a bill to amend the charter of the City of Asheville relating to the effective date of ordinances, with a favorable report.

S. B. 60, a bill to allow Franklin County to follow the general law concerning publication of rules and regulations of its Board of Health, with a favorable report.

H. B. 10, a bill to permit the City of Wilson to participate in the Urban Development Action Program and to lend or grant the moneys received from the United States Department of Housing and Urban Development to private developers, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Kincaid and Baker:

S. B. 74, a bill to redefine the corporate limits of the City of Morganton.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Jernigan and Raynor:

S. B. 75, a bill to classify certain property of totally and permanently disabled veterans for taxation at reduced valuation.

Referred to **Finance Committee**.

By Senators Redman, Barnes, Noble, Ballenger, Daniels, Ward, Warren, Hancock, Raynor, Harris, Boger, Allred, Baker, Allsbrook, Swain, Smith, Creech, Speed, Jenkins, Cockerham, White, Jordan, Royall, Thomas of Craven, Wright, Kincaid, Mills, Garrison, Cavanagh, Hardison, Clarke, Lawing, Wynne, Marvin, Mathis, McDuffie, Palmer, Duncan, Walker, Rauch, Johnson, Harrington, Vickery, and Jernigan:

S. J. R. 76, a joint resolution honoring the returned hostages and calling for all people to remember the prisoners of war of past wars and conflicts and urging the North Carolina Congressional Delegation to introduce legislation to extend benefits to the families of these heroes.

Referred to **Rules and Operation of the Senate Committee**.

By Senators Ballenger, Wright, Cockerham, Boger, Baker, Kincaid, Cavanagh, Redman, Allred, and Smith:

S. B. 77, a bill to amend the Executive Budget Act to provide that in consideration of the budget, each department's budget shall be voted on separately before a vote on second reading.

Referred to **Rules and Operation of the Senate Committee**.

By Senators Harris, Hardison, Redman, Daniels, Marvin, Gray, Ward, Allsbrook, Walker, Jenkins, Barnes, Kincaid, Ballenger, Smith, Vickery, Lawing, McDuffie, White, Raynor, Speed, Harrington, Rauch, Swain, Duncan, Garrison, Jernigan, and Jordan:

S. B. 78, a bill to extend the Mental Health Study Commission.

Referred to **Human Resources Committee**.

By Senator Harris:

S. B. 79, a bill to amend the Vital Statistics Law.

Referred to **Human Resources Committee**.

By Senator Harris:

S. B. 80, a bill to vest authority in the Museum of Natural History for examination of reptiles.

Referred to **Judiciary I Committee**.

By Senator Harris:

S. B. 81, a bill to abolish the Board of Directors of the North Carolina Orthopedic Hospital and the Youth Services Advisory Committee.

Referred to **Human Resources Committee**.

By Senator Harris:

S. B. 82, a bill to delete references to Municipal Health Departments.

Referred to **Human Resources Committee**.

By Senator Noble:

S. B. 83, a bill to appropriate funds to promote production of the outdoor drama "Strike At The Wind."

Referred to **Appropriations Committee**.

By Senator Noble:

S. B. 84, a bill to allow Hoke and Robeson Counties and municipalities in those Counties to prohibit or regulate the possession and consumption of beer and wine.

Referred to **Alcoholic Beverage Control Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 14, a bill to extend through April 15, 1981, the period for applying for the Homestead Exemption for property taxes for calendar year 1980.

Referred to **Finance Committee**.

H. J. R. 15, a joint resolution directing the Legislative Research Commission to continue to study the Revenue Laws of the State of North Carolina.

Referred to **Rules and Operation of the Senate Committee**.

H. B. 17, a bill to update the provisions of G. S. 105-163.2 relating to withholding of income taxes by employers.

Referred to **Finance Committee**.

H. B. 28, a bill to clarify the sales tax status of newspaper and magazine deliveries.

Referred to **Finance Committee**.

H. B. 33, a bill to amend the gift tax annual exclusion to allow a gift made by one spouse to be considered as a joint gift by both spouses.

Referred to **Finance Committee**.

H. B. 34, a bill to increase the lifetime gift tax exemption from thirty thousand dollars (\$30,000) to one hundred thousand dollars (\$100,000) to account for inflation.

Referred to **Finance Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 32, a bill to provide a marshal for the Court of Appeals.

The bill passes its second reading.

On objection of Senator Swain to its third reading, the bill remains on the Calendar.

S. B. 39, Committee Substitute for **S. B. 39**, a bill to require that application need only be made once for the Homestead Exemption for the elderly and disabled.

The Committee substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 55, a bill to specifically include "Nursing Homes" within the definition of "Health Care Facilities" as contained in G. S. Chapter 131A, the Health Care Facilities Finance Act.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

Senator Ward moves that the vote by which the bill passed its third reading be reconsidered, which motion prevails.

Senator Ward moves that the vote by which the bill passed its second reading be reconsidered, which motion prevails.

The Chair rules that the bill requires a call of the roll.

The bill passes its second reading by roll-call vote, ayes 45, noes 1, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Redman, Royall, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 45.

Voting in the negative: Senator Smith — 1.

The bill remains on the Calendar upon third reading.

S. B. 56, a bill to provide that members of the Randolph County Board of Commissioners shall reside in and represent districts, but the qualified voters of the entire County shall nominate and elect all members.

Senator Vickery offers Amendment No. 1.

Senator Kincaid moves that the bill with pending Amendment No. 1 be re-referred to the **Local Government and Regional Affairs Committee**, which motion fails to prevail.

Amendment No. 1 is adopted.

Senator Redman calls for the "ayes" and "noes" upon passage of the bill.

Senator Walker calls the previous question, duly seconded.

The call for the "ayes" and "noes" is sustained.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 62, a bill to abolish the distinction between accessories before the fact and principals and to make accessories before the fact punishable as principal felons.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 12, an act to repeal the three percent gross receipts tax on private toll bridges.

H. B. 13, an act to repeal collection procedures for the State property tax for the 1931-33 biennium, and to eliminate an annual county report on collection of that tax.

H. B. 16, an act to provide a mechanism for distribution of intangibles tax, local government sales and use tax, and Mecklenburg County sales and use tax when the valuation of a public service company is under appeal.

H. B. 36, an act to repeal the privilege license tax for those repairing and servicing elevators and automatic sprinkler systems.

H. B. 37, an act to repeal the privilege license tax on motor advertisers.

H. B. 38, an act to repeal the privilege license tax on itinerant photographers.

On motion of Senator Lawing, duly seconded, the Senate adjourns to meet tomorrow at 11:00 A.M.

EIGHTEENTH DAY

SENATE CHAMBER,
Friday, February 6, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Father, we come before You at the close of a busy week, and are thankful for the prospect of rest. The tasks that face us are so large, and the time so short that we sometimes find ourselves running so hard we cannot even think. Make us stop, Lord, and make time to enjoy our families, our friends, and the beauty of Your world. Help us to rest in the knowledge that it is You who are in ultimate control of the universe, and that we can let go and let You be God. Amen."

Senator Royall for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senator Creech, who is attending a seminar sponsored by the National Conference of State Legislatures' Committee on Natural Resources, and to Senators Jenkins, Lawing, McDuffie, Rauch, and White for today. Leaves of absence granted previously to Senators Harrington, Kincaid, Soles and Vickery are noted.

February 6, 1981

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Gray for the **Senior Citizens Affairs Committee**:

H. J. R. 48, a joint resolution to permit the continuance of the work of the Legislative Research Commission's Study on the Problems of Aging as begun under Resolution 86 of the 1977 Session As Amended by Resolution 106 of the 1977 Session (2nd Session 1978) and be Resolution 62 of the 1979 Session, with a favorable report.

On motion of Senator Gray, the joint resolution is re-referred to the **Appropriations Committee**.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Wright:

S. B. 85, a bill to provide that no city in New Hanover County may annex under Parts 2 or 3 of the Annexation Law unless approved by a referendum prior to adoption of a resolution of intent.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Barnes:

S. B. 86, a bill to provide for the revocation of driver's license for failure to appear in court.

Referred to **State Government Committee**.

By Senator Marvin:

S. B. 87, a bill to divide North Carolina into eleven Congressional Districts.

Referred to **Redistricting - Congressional Committee**.

By Senator Harris:

S. B. 88, a bill to clarify the authority of local boards of health to impose fees.

Referred to **Human Resources Committee**.

By Senator Harris:

S. B. 89, a bill to allow staggered terms for district boards of health.

Referred to **Human Resources Committee**.

By Senator Harris:

S. B. 90, a bill to delete mention of "publicly soliciting alms" in connection with eligibility for aid to the needy blind.

Referred to **Human Resources Committee**.

By Senator Harris:

S. B. 91, a bill to rewrite the meat market law.

Referred to **Agriculture Committee**.

February 6, 1981

By Senators Ward, Marvin, Daniels, Gray, Hancock, Redman, Harris, Walker, Raynor, Allsbrook, Hardison, Warren, Cavanagh, Baker, Kincaid, Johnson, and Wynne:

S. B. 92, a bill to appropriate funds to the Division of Mental Health, Mental Retardation and Substance Abuse Services, Department of Human Resources for the purpose of assisting area programs in providing services to children and adolescents who are at risk of becoming seriously behaviorally disturbed.

Referred to **Appropriations Committee**.

By Senators Ward, Marvin, Daniels, Redman, Hancock, Royall, Hardison, Harris, Walker, Allsbrook, Cavanagh, Warren, Raynor, Jordan, Wright, Cockerham, Thomas of Craven, Johnson, Duncan, and Allred:

S. B. 93, a bill to consolidate various rulemaking and advisory groups under the North Carolina Division of Mental Health, Mental Retardation and Substance Abuse Services.

Referred to **Human Resources Committee**.

By Senator Jordan:

S. B. 94, a bill to allow nonprofit rescue squads to apply for numbers without payment of a fee.

Referred to **Natural and Economic Resources and Wildlife Committee**.

By Senators Jordan and Cavanagh:

S. B. 95, a bill to permit all school employees paid from State funds and employed on a 10-month basis to choose to be paid in 12 monthly installments.

Referred to **State Government Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 25, a bill to update the reference to the Internal Revenue Code which is used by corporations as a base for determining State net income.

Referred to **Finance Committee**.

H. B. 27, a bill to repeal the half-price privilege license for certain professionals earning less than one thousand dollars (\$1,000) per year.

Referred to **Finance Committee**.

H. B. 29, a bill to clarify that the special use tax on equipment brought into the State for railroad construction applies to all types of railways, and make a similar amendment as to the privilege tax.

Referred to **Finance Committee**.

H. B. 98, a bill to further validate dissolution of sanitary districts.

Referred to **State Government Committee**.

H. B. 103, a bill to authorize the Department of Transportation to permit encroachment of airspace above Biltmore Avenue in the City of Asheville for construction of a health services building bridge.

Referred to **Transportation Committee**.

H. B. 105, a bill to give county boards of commissioners the same flexibility as cities in determining the number of members of a housing authority board of commissioners.
Referred to **State Government Committee**.

H. B. 106, a bill to provide that if vacancies occur in the two remaining appointive positions on the Greensboro City Board of Education, they shall not be filled.
Referred to **Education Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 27, a bill to permit cities and counties to transfer property to the United States, the United States Postal Service or assigns.

On motion of Senator Johnson, consideration of the bill is postponed until Monday, February 9.

S. B. 32, a bill to provide a marshal for the Court of Appeals, upon third reading.
The bill passes its third reading and is ordered sent to the House of Representatives.

S. B. 41, a bill to allow Rowan County to name private roads in unincorporated areas, and simplify the process of naming roads in that county.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 49, a bill to provide that the city manager of the City of Hendersonville need not become a resident of that City.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 53, a bill to amend the Charter of the City of Asheville relating to the effective date of ordinances.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 55, a bill to specifically include "Nursing Homes" within the definition of "Health Care Facilities" as contained in G. S. Chapter 131A, the Health Care Facilities Finance Act, upon third reading.

The bill passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harris, Jernigan, Johnson, Jordan, Marion, Marvin, Mathis, Mills, Noble, Palmer, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Wright, and Wynne — 39.

The bill is ordered sent to the House of Representatives.

S. B. 60, a bill to allow Franklin County to follow the general law concerning publication of rules and regulations of its Board of Health.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H. B. 10, a bill to permit the City of Wilson to participate in the Urban Development Action Program and to lend or grant the moneys received from the United States Department of Housing and Urban Development to private developers.

On motion of Senator Alford, consideration of the bill is postponed until Monday, February 9.

H. B. 46, a bill to amend Chapter 93, entitled "Public Accountants."

The bill passes its second and third readings and is ordered enrolled.

H. B. 69, a bill to amend G. S. 50-10 to clarify that notice of hearing or trial not required when defendant does not make an appearance.

Senator Swain offers Amendment No. 1 which is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 17, an act to change the standards for criminal justice officers to provide for pardons to be given effect by the North Carolina Criminal Justice Education and Training Standards Commission.

On motion of Senator Royall, seconded by Senator Gray, the Senate adjourns to meet Monday at 7:00 P.M.

NINETEENTH DAY

SENATE CHAMBER,

Monday, February 9, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"As we begin this new week, Father, we pray for a spirit of hope in a troubled world. It is so easy for us to fall into doubt and fear, or to find in the past a more pleasant prospect than we see in the present or the future. Remind us that the 'Golden Age of Your Kingdom' is always ahead of us, not behind us, and strengthen us to work toward the day of the Lord with a hearty resolve and the assurance of Your abiding presence. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants a leave of absence to Senator Palmer for tonight. A leave of absence granted previously to Senator Soles is noted.

The President extends courtesies of the gallery to Roy Rowe, former Senator from Pender County and former Principal Clerk of the North Carolina State Senate.

February 9, 1981

The President recognizes the following pages serving in the Senate this week: "Clif" Nelms Adams, Knightdale; Angel Lynn Allen, Kings Mountain; Charles Boyette, Jr., Belhaven; Mark Broske, Wilmington; Michael Broske, Wilmington; Kim Michelle Bryant, Fayetteville; Samuel B. Cranor, Raleigh; Brett R. Eaker, Asheville; Sibyl Prentiss Edwards, Raleigh; Alton G. Foster, Jr., Henderson; Samuel Moore Jones, Raleigh; Tim Keith, Wake Forest; Shannon McLaurin, Cary; Christy Marsh, Southern Pines; Caroline Michelle Matthews, Statesville; Becky Misner, Raleigh; Terry Suzanne Plyler, Statesville; Jerry R. Revelle, Murfreesboro; Brian Kent Spiro, Raleigh; and Maureen Vowell, Hiddenite.

INTRODUCTION OF BILLS AND RESOLUTION

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Hardison, Walker, Ward, Harris, and Royall:

S. B. 96, a bill to amend Article 2F of Chapter 122 of the General Statutes to provide for the allocation of General Area Program Funds to area mental health, mental retardation and substance abuse authorities on the basis of departmental regulations and to set a minimum base for county funding.

Referred to **Appropriations Committee**.

By Senator Allred:

S. B. 97, a bill to make it more difficult to receive unemployment benefits.

Referred to **Manufacturing, Labor and Commerce Committee**.

By Senators Marvin, Ward, Gray, Daniels, Hancock, Harris, Allred, Allsbrook, Hardison, Redman, Royall, Raynor, Garrison, Walker, Palmer, and Thomas of Henderson:

S. B. 98, a bill to amend Article 2F of Chapter 122 of the General Statutes to provide for the representation of both alcohol and drug abuse interests on Area Mental Health, Mental Retardation and Substance Abuse Boards.

Referred to **Human Resources Committee**.

By Senator Raynor:

S. B. 99, a bill to permit military practitioners to write prescriptions for military members and dependents.

Referred to **Judiciary II Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 3, a bill to amend G. S. 20-7 to allow a member of a fire department, whether paid or volunteer, to operate a firefighting vehicle with a Class C license, for concurrence in the House Committee Substitute bill, which changes the title of the bill to read **S. B. 3**, House Committee Substitute for **S. B. 3**, a bill to amend G. S. 20-7 to allow a volunteer member of a fire department to operate a fire-fighting vehicle with a Class C license.

Referred to **Transportation Committee**.

H. B. 18, a bill to conform the rate of interest on tax refunds for overpayment with the rate applied to assessments for underpayment.

Referred to **Finance Committee**.

H. B. 57, a bill to amend G. S. 143-129 relating to the letting of public contracts by the City of Statesville.

Referred to **Transportation Committee**.

H. B. 97, a bill to amend Chapter 14, Section 344 of the General Statutes regulating the sale of admission tickets in excess of the sale price.

Referred to **Judiciary III Committee**.

H. B. 102, a bill to amplify the provisions of law relative to income tax credits for solar hot water, heating, and cooling equipment.

Referred to **Finance Committee**.

H. B. 111, a bill to authorize the Town of Chapel Hill to appoint a Deputy Town Attorney, and delete a reference to the appointment date of the Town Attorney.

Referred to **Local Government and Regional Affairs Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 27, a bill to permit cities and counties to transfer property to the United States, the United States Postal Service or assigns.

The bill passes its second reading.

On objection of Senator Barnes to its third reading, the bill remains on the Calendar upon third reading.

H. B. 10, a bill to permit the City of Wilson to participate in the Urban Development Action Program and to lend or grant the moneys received from the United States Department of Housing and Urban Development to private developers.

The bill passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 38, an act to clarify the exemption procedure for jury duty for persons aged sixty-five or over.

H. B. 46, an act to amend Chapter 93, entitled "Public Accountants."

On motion of Senator Lawing, seconded by Senator Thomas of Craven, the Senate adjourns to meet tomorrow at 1:30 P.M.

TWENTIETH DAY

SENATE CHAMBER,
Tuesday, February 10, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"As we meet together this day, O Lord, we are thankful for the variety of persons which you have peopled this planet; and for the unique contribution each has made to the whole of Your creation. We confess that sometimes we are not as accepting of our differences as we should be, forgetting that in Your wisdom there is a place and a plan for each of us. Help us to rejoice in the glorious mix that is humanity, and to learn from each other as we work together for the common good. Amen."

Senator Warren for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senators Palmer and Mathis for today. A leave of absence granted previously to Senator Soles is noted.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Noble for the **Alcoholic Beverage Control Committee**:

S. B. 65, a bill to repeal a restriction in the Charter of the City of Dover concerning spirituous liquors, with a favorable report.

By Senator Allsbrook for the **Judiciary I Committee**:

S. B. 40, a bill to make abuse of or injury to an elderly person a felony, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Allsbrook, the rules are suspended and the Committee Substitute bill which changes the title to read **S. B. 40**, Committee Substitute for **S. B. 40**, a bill defining "deadly weapons" in assaults on handicapped persons and providing for punishments, is placed before the Senate for immediate consideration.

On motion of Senator Allsbrook, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for tomorrow, February 11.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Garrison, Lawing, Hardison, Cockerham, Gray, Harris, Alford, Duncan, Ballenger, Allsbrook, Swain, Redman, and Smith:

February 10, 1981

S. B. 100, a bill to amend G. S. 24-1.2 relating to installment loan rates, including second mortgages.

Referred to **Banking Committee**.

By Senators Garrison, Lawing, Hardison, Cockerham, Gray, Harris, Alford, Duncan, Ballenger, Allsbrook, Swain, Redman, and Smith:

S. B. 101, a bill to amend G. S. 24-1.1 relating to contract loan rates.

Referred to **Banking Committee**.

By Senator Harris:

S. B. 102, a bill to authorize a statewide referendum on the Equal Rights Amendment to the Constitution of the United States.

Referred to **Judiciary I Committee**.

By Senators Lawing, Hardison, Rauch, and Harrington:

S. B. 103, a bill to increase the size of the Advisory Budget Commission.

Referred to **Rules and Operation of the Senate Committee**.

By Senators Rauch and Harris:

S. B. 104, a bill to increase fees of the North Carolina Board of Pharmacy.

Referred to **Finance Committee**.

By Senators Johnson, Creech, and Wynne:

S. B. 105, a bill to allow the Town of Broadway to convey by private sale a tract of land to the United States or assigns for construction of a post office.

Referred to **Judiciary II Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 30, a bill to update sales tax exemption for medical equipment.

Referred to **Finance Committee**.

H. B. 35, a bill to delete a reference to vaudeville shows in the Privilege License Tax Laws, to clarify the tax status of such shows.

Referred to **Finance Committee**.

H. B. 53, a bill to amend Chapter 163 of the General Statutes relative to closing registration books.

Referred to **Election Laws Committee**.

H. B. 84, Committee Substitute for **H. B. 84**, a bill to provide that canvasses of election returns and the meeting of Presidential Electors shall not take place in the State Legislative Building.

Referred to **Election Laws Committee**.

WITHDRAWAL FROM COMMITTEE

S. B. 105, a bill to allow the Town of Broadway to convey by private sale a tract of land to the United States or assigns for construction of a post office.

On motion of Senator Swain the rules are suspended and the bill is taken from the **Judiciary II Committee** and is placed on the Calendar for today.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 27, a bill to permit cities and counties to transfer property to the United States, the United States Postal Service or assigns, upon third reading.

Senator Barnes offers Amendment No. 1 which changes the title of the bill.

On motion of Senator Swain, the bill and pending Amendment No. 1 is re-referred to the **State Government Committee**.

S. B. 105, a bill to allow the Town of Broadway to convey by private sale a tract of land to the United States or assigns for construction of a post office.

The bill passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 10, an act to permit the City of Wilson to participate in the Urban Development Action Program and to lend or grant the moneys received from the United States Department of Housing and Urban Development to private developers.

On motion of Senator Lawing, seconded by Senator McDuffie, the Senate adjourns to meet tomorrow at 1:30 P.M.

TWENTY-FIRST DAY

SENATE CHAMBER,
Wednesday, February 11, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, we come to You this day asking for the wisdom and inspiration You alone can provide. The men and women of this Senate are often called upon to make decisions that affect the lives and fortunes of brothers and sisters in important ways. Do not let them become overwhelmed at the enormity of their task, nor take too lightly the burdens imposed by their office. Help them, by Your spirit, to find a balance that will enable them to take their task seriously, while maintaining their sense of humor. Reassure all of us that if we offer You our best effort, You will use it for the benefit of Your Kingdom. Amen."

February 11, 1981

Senator Kincaid for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senators Palmer, Cockerham, and Rauch for today and to Senator Rauch for tomorrow and Friday, February 12 and 13. A leave of absence granted previously to Senator Soles is noted.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Duncan for the **Finance Committee**:

S. B. 33, a bill to partially exempt money on deposit from the Intangibles Tax, with an unfavorable report.

H. B. 14, a bill to extend through April 15, 1981, the period for applying for the Homestead Exemption for property taxes for calendar year 1980, with a favorable report.

On motion of Senator Duncan, the rules are suspended and the bill is placed before the Senate for immediate consideration.

On motion of Senator Duncan, consideration of the bill is postponed until tomorrow, February 12.

H. B. 17, a bill to update the provisions of G. S. 105-163.2 relating to withholding of income taxes by employers, with a favorable report.

On motion of Senator Duncan, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

H. B. 25, a bill to update the reference to the Internal Revenue Code which is used by corporations as a base for determining State net income, with a favorable report.

On motion of Senator Duncan, the rules are suspended and the bill is placed before the Senate for immediate consideration, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 45.

The bill remains on the Calendar upon third reading.

H. B. 26, a bill to repeal the authority of counties to exempt from the State privilege license tax on peddlers certain Confederate and Spanish-American war veterans, with a favorable report.

On motion of Senator Duncan, the rules are suspended and the bill is placed before the Senate for immediate consideration, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Daniels, Duncan, Frye, Garrison, Gray, Hancock,

Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 45.

The bill remains on the Calendar upon third reading.

H. B. 27, a bill to repeal the half-price privilege license for certain professionals earning less than one thousand dollars (\$1,000) per year, with a favorable report.

On motion of Senator Duncan, the rules are suspended and the bill is placed before the Senate for immediate consideration, upon second reading.

The bill passes its second reading by roll-call vote, ayes 43, noes 2, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 43.

Voting in the negative: Senators Allred and Daniels — 2.

The bill remains on the Calendar upon third reading.

H. B. 28, a bill to clarify the sales tax status of newspaper and magazine deliveries, with a favorable report.

On motion of Senator Duncan, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

H. B. 29, a bill to clarify that the special use tax on equipment brought into the State for railroad construction applies to all types of railways, and make a similar amendment as to the privilege tax, with a favorable report.

On motion of Senator Duncan, the rules are suspended and the bill is placed before the Senate for immediate consideration, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 46.

The bill remains on the Calendar upon third reading.

By Senator Marion for the **Local Government and Regional Affairs Committee**:

S. B. 52, a bill to abolish the Asheville Boxing and Wrestling Commission and to exempt the City of Asheville from certain provisions of the General Statutes relating to prize fighting, with a favorable report, as amended.

H. B. 24, a bill to provide that the Macon County Board of Education shall take office in December following the election, and to provide that vacancies occurring in the first two years of a term shall be filled by appointment only until the next election, with a favorable report, as amended.

By Senator Barnes for the **State Government Committee**:

H. B. 65, a bill to provide that the Speaker of the House of Representatives may designate a person to serve for him on certain boards and commissions, with a favorable report.

H. B. 74, a bill to clarify the authority of local boards of education to enter into leases with other governmental units, with a favorable report.

H. B. 98, a bill to further validate dissolution of sanitary districts, with a favorable report.

H. B. 105, a bill to give county boards of commissioners the same flexibility as cities in determining the number of members of a housing authority board of commissioners, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Alford, Speed, Allsbrook, and White:

S. B. 106, a bill to allow the Town of Battleboro to collect on motor vehicles a tax of not more than five dollars.

Referred to **Finance Committee**.

By Senator Ballenger:

S. B. 107, a bill to allow notice of public hearing on creation, extension or consolidation of a county or municipal service district to be given by any class of U. S. Mail.

Referred to **Judiciary III Committee**.

By Senator Kincaid:

S. J. R. 108, a joint resolution honoring the life and service of William M. Fulton.

Referred to **Rules and Operation of the Senate Committee**.

By Senators Jordan, Creech, and Jenkins:

S. B. 109, a bill to clarify the authority of the North Carolina Board of Nursing in reinstating lapsed licenses, as requested by the Administrative Rules Review Committee.

Referred to **Human Resources Committee**.

By Senators Jordan, Creech, and Jenkins:

S. B. 110, a bill to amend G. S. 75A-7 to empower the Wildlife Resources Commission to permit the voluntary numbering of motorboats owned by a governmental entity and the issuance of permanent certificates of number to motorboats owned by governmental entities and nonprofit rescue squads.

Referred to **Natural and Economic Resources and Wildlife Committee**.

By Senators White, Speed, Harrington, Warren, Boger, Redman, Hardison, Thomas of Henderson, Gray, Jenkins, Clarke, and Barnes:

S. B. 111, a bill to amend the General Statutes of North Carolina relating to the promotion of agriculture research and dissemination of findings.

Referred to **Agriculture Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 45, Committee Substitute for **H. B. 45**, a bill to adopt for North Carolina income tax purposes the Installment Sales Revision Act of 1980, so as to simplify capital gains tax treatment.

Referred to **Finance Committee**.

H. B. 86, a bill to amend Chapter 133 to provide for additional relocation assistance payments for persons displaced by public works projects.

Referred to **Transportation Committee**.

H. B. 92, a bill to prohibit a minor mother from marrying if her child has died.

Referred to **Judiciary I Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

(Senator Lawing presides over a portion of today's Session.)

S. B. 40, Committee Substitute for **S. B. 40**, a bill defining "deadly weapons" in assaults on handicapped persons and providing for punishments.

The Committee Substitute bill passes its second reading.

On objection of Senator Barnes to its third reading, the Committee Substitute bill remains on the Calendar.

S. B. 65, a bill to repeal a restriction in the Charter of the City of Dover concerning spirituous liquors, upon second reading.

The bill passes its second reading by roll-call vote, ayes 44, noes 1, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marvin, Mathis, McDuffie, Mills, Noble, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 44.

Voting in the negative: Senator Marion — 1.

The bill remains on the Calendar upon third reading.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 69, an act to amend G. S. 50-10 to clarify that notice of trial not required when defendant does not make an appearance.

On motion of Senator Royall, seconded by Senator Thomas of Henderson, the Senate adjourns to meet tomorrow at 1:30 P.M.

February 11, 1981

TWENTY-SECOND DAY

SENATE CHAMBER,
Thursday, February 12, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Father, we are grateful today for the life and work of our sixteenth President, Abraham Lincoln: for his commitment to justice and equality, his dedication to freedom for all people, and his skill in mending the torn fabric of this Nation. We are especially thankful for his humility, which, we pray, will serve as a model for each of us. Help us to learn, from his example, to make our individual ambitions subservient to the needs, hopes, dreams of the State and Nation; and enable us to cherish those lofty ideals which were so well personified in his life. Amen."

Senator Mathis for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on her motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants a leave of absence to Senator Cockerham for today and to Senators Harris and Marvin for tomorrow, February 13. Leaves of absence granted previously to Senators Rauch, Soles, and Palmer are noted.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Speed for the **Education Committee**:

H. B. 106, a bill to provide that if vacancies occur in the two remaining appointive positions on the Greensboro City Board of Education, they shall not be filled, with a favorable report.

By Senator Allsbrook for the **Judiciary I Committee**:

S. B. 80, a bill to vest authority in the Museum of Natural History for examination of reptiles, with a favorable report, as amended.

By Senator Creech for the **Judiciary III Committee**:

S. B. 24, a bill for equitable distribution of marital property, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Creech, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Creech, the Committee Substitute is adopted, and on his further motion is placed on the Calendar for Wednesday, February 18.

S. B. 72, a bill to amend the Fair Sentencing Act, As Amended in 1980, with a favorable report, as amended.

The Chair recommits the bill to the **Judiciary III Committee**.

February 12, 1981

By Senator Thomas of Craven for Senator Palmer for the **Veterans and Military Affairs Committee**:

S. B. 43, a bill to amend the Employment Security Law to restrict retirement payment offsets against unemployment insurance benefits to those retirement payments paid by base period intervening or last employer, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Thomas of Craven, the rules are suspended and the Committee Substitute bill which changes the title to read **S. B. 43**, Committee Substitute for **S. B. 43**, a bill to amend the Employment Security Law to restrict retirement payment offsets against unemployment insurance benefits to those retirement payments received under plans contributed to by base period employers, is placed before the Senate for immediate consideration.

On motion of Senator Thomas of Craven, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for tomorrow, February 13.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Wynne, Johnson, and Creech:

S. B. 112, a bill to appropriate funds to the Department of Administration for purchase of part of the Methodist Home property for use of the North Carolina Museum of Natural History, and for renovations.

Referred to **Agriculture Committee**.

By Senator Mills:

S. J. R. 113, a joint resolution honoring the life and memory of Hugh A. Ragsdale, distinguished former member of the General Assembly.

Referred to **Rules and Operation of the Senate Committee**.

By Senator Clarke:

S. B. 114, a bill to amend Chapter 106, Article 50 of the General Statutes, Promotion of Use and Sale of Agricultural Products, with regard to the research and promotion programs of the American Dairy Association of North Carolina.

Referred to **Agriculture Committee**.

By Senator Noble:

S. B. 115, a bill to allow a Board of County Commissioners to set the per diem of local Boards of Health without restriction.

Referred to **Human Resources Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 147, a bill to provide for required immunizations of older school children.

Referred to **Human Resources Committee**.

February 12, 1981

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 40, Committee Substitute for **S. B. 40**, a bill defining "deadly weapons" in assaults on handicapped persons and providing for punishments, upon third reading.

The Committee Substitute bill passes its third reading and is ordered sent to the House of Representatives.

S. B. 52, a bill to abolish the Asheville Boxing and Wrestling Commission and to exempt the City of Asheville from certain provisions of the General Statutes relating to prize fighting.

On motion of Senator Clarke, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 65, a bill to repeal a restriction in the Charter of the City of Dover concerning spirituous liquors, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 1, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marvin, Mathis, McDuffie, Mills, Noble, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 44.

Voting in the negative: Senator Marion — 1.

The bill is ordered sent to the House of Representatives.

H. B. 14, a bill to extend through April 15, 1981, the period for applying for the Homestead Exemption for property taxes for calendar year 1980.

On motion of Senator Duncan, consideration of the bill is postponed until tomorrow, February 13.

H. B. 24, a bill to provide that the Macon County Board of Education shall take office in December following the election, and to provide that vacancies occurring in the first two years of a term shall be filled by appointment only until the next election.

On motion of Senator Clarke, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 25, a bill to update the reference to the Internal Revenue Code which is used by corporations as a base for determining State net income, upon third reading.

The bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 46.

The bill is ordered enrolled.

H. B. 26, a bill to repeal the authority of counties to exempt from the State privilege license tax on peddlers certain Confederate and Spanish-American war veterans, upon third reading.

The bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 46.

The bill is ordered enrolled.

H. B. 27, a bill to repeal the half-price privilege license for certain professionals earning less than one thousand dollars (\$1,000) per year, upon third reading.

The bill passes its third reading by roll-call vote, ayes 40, noes 6, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Duncan, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Raynor, Redman, Royall, Smith, Speed, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 40.

Voting in the negative: Senators Allred, Baker, Daniels, Frye, Kincaid, and Swain — 6.

The bill is ordered enrolled.

H. B. 29, a bill to clarify that the special use tax on equipment brought into the State for railroad construction applies to all types of railways, and make a similar amendment as to the privilege tax, upon third reading.

The bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 46.

The bill is ordered enrolled.

H. B. 65, a bill to provide that the Speaker of the House of Representatives may designate a person to serve for him on certain boards and commissions.

On motion of Senator Barnes, consideration of the bill is postponed until Thursday, February 19.

H. B. 74, a bill to clarify the authority of local boards of education to enter into leases with other governmental units.

The bill passes its second and third readings and is ordered enrolled.

H. B. 98, a bill to further validate dissolution of sanitary districts.

The bill passes its second and third readings and is ordered enrolled.

H. B. 105, a bill to give county boards of commissioners the same flexibility as cities in determining the number of members of a housing authority board of commissioners.

The bill passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 17, an act to update the provisions of G. S. 105-163.2 relating to withholding of income taxes by employers.

H. B. 28, an act to clarify the sales tax status of newspaper and magazine deliveries.

On motion of Senator Lawing, seconded by Senator White, the Senate adjourns in memory of Abraham Lincoln, sixteenth President of the United States, to meet tomorrow at 10:15 A.M.

TWENTY-THIRD DAY

SENATE CHAMBER,
Friday, February 13, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Joe Brown, Pastor of Lovegrove AME Zion Church, Swan, and a member of the North Carolina State Senate Sergeant-at-Arms staff.

Senator Royall for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senators Garrison, who is attending a meeting of the Board of Transportation, and Marion for today. Leaves of absence granted previously to Senators Soles, Palmer, Harris, Marvin, Rauch, and Cockerham are noted.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harris for the **Human Resources Committee**:

S. B. 78, a bill to extend the Mental Health Study Commission, with a favorable report.

S. B. 81, a bill to abolish the Board of Directors of the North Carolina Orthopedic Hospital and the Youth Services Advisory Committee, with a favorable report.

S. B. 82, a bill to delete references to Municipal Health Departments, with a favorable report.

S. B. 89, a bill to allow staggered terms for district boards of health, with a favorable report.

S. B. 90, a bill to delete mention of "publicly soliciting alms" in connection with eligibility for aid to the needy blind, with a favorable report.

February 13, 1981

S. B. 93, a bill to consolidate various rulemaking and advisory groups under the North Carolina Division of Mental Health, Mental Retardation and Substance Abuse Services, with a favorable report, as amended.

S. B. 98, a bill to amend Article 2F of Chapter 122 of the General Statutes to provide for the representation of both alcohol and drug abuse interests on Area Mental Health, Mental Retardation and Substance Abuse Boards, with a favorable report.

By Senator Creech for the **Judiciary III Committee**:

S. B. 72, a bill to amend the Fair Sentencing Act, As Amended in 1980, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Creech, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Creech, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, February 16.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Jernigan and Allred:

S. B. 116, a bill to amend the Employment Security Law to conform with federal requirements, to make technical improvements and corrections, and to remove outdated and inconsistent provisions from the Law.

Referred to **Manufacturing, Labor and Commerce Committee**.

By Senator Allred:

S. B. 117, a bill to provide for a phased reduction of property taxes which have not been approved by the voters and to relieve counties of mandated social services costs.

Referred to **Finance Committee**.

By Senator Jordan:

S. B. 118, a bill to amend G. S. 89C to increase fees and for clarification.

Referred to **Finance Committee**.

By Senators Marvin, Gray, Ward, Hancock, Johnson, Thomas of Craven, Creech, Wynne, Walker, Duncan, Raynor, Mathis, Clarke, Garrison, Mills, and Hardison:

S. B. 119, a bill to establish a work options program for State employees.

Referred to **State Government Committee**.

By Senators Hardison and Barnes:

S. B. 120, a bill regarding Statutes of Limitation.

Referred to **State Government Committee**.

By Senators Hancock, Lawing, Royall, Garrison, Jordan, and Wynne:

S. B. 121, a bill to restructure the Governmental Evaluation Commission.

Referred to **State Government Committee**.

By Senators Daniels and Harrington:

S. B. 122, a bill to appropriate funds to the Department of Cultural Resources for the acquisition, development, and operation of a visitor center for Historic Edenton, Inc., and the James Iredell House State Historic Site.

Referred to **Appropriations Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 109, a bill to establish the time for filing corporate income returns for certain partially exempt corporations.

Referred to **State Government Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 43, Committee Substitute for **S. B. 43**, a bill to amend the Employment Security Law to restrict retirement payment offsets against unemployment insurance benefits to those retirement payments received under plans contributed to by base period employers.

The Chair re-refers the Committee Substitute bill to the **Pensions and Retirement Committee**.

S. B. 80, a bill to vest authority in the Museum of Natural History for examination of reptiles.

On motion of Senator Allsbrook, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

H. B. 14, a bill to extend through April 15, 1981, the period for applying for the Homestead Exemption for property taxes for calendar year 1980.

Senator Royall offers Amendment No. 1 which is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Amendment No. 1.

H. B. 106, a bill to provide that if vacancies occur in the two remaining appointive positions on the Greensboro City Board of Education, they shall not be filled.

The bill passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 13, an act to repeal certain special service extensions at the City of Asheville Airport because the area has been annexed.

S. B. 19, an act to allow the Asheville City Council to close parks and other recreation facilities and sell, lease or otherwise dispose of the property.

S. B. 21, an act to allow the City of Asheville to follow the General Law concerning advertisement of property leases.

S. B. 53, an act to amend the Charter of the City of Asheville relating to the effective date of ordinances.

H. B. 25, an act to update the reference to the Internal Revenue Code which is used by corporations as a base for determining State net income.

H. B. 26, an act to repeal the authority of counties to exempt from the State privilege license tax on peddlers certain Confederate and Spanish-American war veterans.

H. B. 27, an act to repeal the half-price privilege license for certain professionals earning less than one thousand dollars (\$1,000) per year.

H. B. 29, an act to clarify that the special use tax on equipment brought into the State for railroad construction applies to all types of railways, and make a similar amendment as to the privilege tax.

H. B. 74, an act to clarify the authority of local boards of education to enter into leases with other governmental units.

H. B. 98, an act to further validate dissolution of sanitary districts.

H. B. 105, an act to give county boards of commissioners the same flexibility as cities in determining the number of members of a housing authority board of commissioners.

On motion of Senator Lawing, seconded by Senator Harrington, the Senate adjourns to meet Monday at 8:00 P.M.

TWENTY-FOURTH DAY

SENATE CHAMBER,
Monday, February 16, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, teach us to walk beside You in service as You care for the poor, the humble, the outcasts of our society. Bring us into Your own counsel that we might receive from Your spirit the strength we need to endure the wear and tear of life; and send us a vision of a more glorious tomorrow as a beacon of hope and encouragement for our toil. Assure us that our work is not in vain; our worries worthy of our distress; and our service useful to those who have entrusted us with responsibility, as we seek to find where You are working in our world, and join You there. Amen."

Senator Royall for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senators Lawing, Jernigan, and Boger for tonight and to Senator Lawing for tomorrow, February 17. A leave of absence granted previously to Senator Soles is noted.

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The President recognizes the following pages serving in the Senate this week: Benita Denise Blanchard, Fayetteville; Debra Clinton Bryant, Goldsboro; Kelly Olivia Cauley, Kinston; Martin Long Currin, Winston-Salem; Allison Jo Edwards, Beulaville; James Hubert Edwards, Tabor City; April Lynn Faw, North Wilkesboro; Dorothy Diana Fischler, Morehead City; Jeffery Russell Heath, Pollocksville; William C. Heckstall, Jr., Windsor; Angelia McCoy, Raleigh; Laura A. Mason, Greensboro; Matthew L. Mason, Greensboro; Kimberly Lee Massie, Waynesville; Kimberly Michele Moore, Clyde; James Sumner, Southern Pines; and Mary Jo Wray, Charlotte.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Thomas of Henderson, Lawing, Jenkins, Walker, Speed, Swain, Mills, Vickery, Warren, Ward, Allsbrook, Hardison, Creech, Clarke, Royall, Hancock, Jordan, and Alford:

S. B. 123, a bill to amend the requirements for a supervisor of elections and the procedure for termination of such employment.

Referred to **Election Laws Committee**.

By Senators Redman and Ballenger:

S. J. R. 124, a joint resolution honoring the life and memory of John Robbins McLaughlin, former member of the General Assembly.

Referred to **Rules and Operation of the Senate Committee**.

By Senators Redman and Ballenger:

S. J. R. 125, a joint resolution honoring the life and memory of Pleas (Red) Lackey, former member of the General Assembly.

Referred to **Rules and Operation of the Senate Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 20, a bill to require boards of election to check the party affiliation of candidates filing in partisan primaries, and to amend the current statutes concerning municipal elections.

Referred to **Election Laws Committee**.

H. B. 41, a bill to extend handicapped parking privileges to vehicles displaying out-of-state license plates, placards or other evidence of handicap issued by the appropriate authority of the appropriate jurisdiction.

Referred to **Transportation Committee**.

H. B. 59, a bill to increase the maximum Firemen's Supplemental Retirement Benefit in the City of Henderson.

Referred to **Pensions and Retirement Committee**.

H. B. 64, a bill to make technical and clarifying corrections to Schedule B of the Revenue Act to reflect substantive changes made by the General Assembly.

Referred to **Finance Committee**.

H. B. 133, a bill to permit Onslow County to construct two vehicle crossovers to the beach strand on private property.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 135, a bill to allow a person purged from voter registration for failure to vote for four years to have his name remain on the voter list by notice submitted by mail or by address transfer.

Referred to **Election Laws Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 72, Committee Substitute for **S. B. 72**, a bill to amend the Fair Sentencing Act, As Amended in 1980.

The Committee Substitute bill passes its second reading.

On objection of Senator Allsbrook, the Committee Substitute bill remains on the Calendar for Wednesday, February 18, upon third reading.

S. B. 78, a bill to extend the Mental Health Study Commission.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 81, a bill to abolish the Board of Directors of the North Carolina Orthopedic Hospital and the Youth Services Advisory Committee.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 82, a bill to delete references to Municipal Health Departments.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 89, a bill to allow staggered terms for district boards of health.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 90, a bill to delete mention of "publicly soliciting alms" in connection with eligibility for aid to the needy blind.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 93, a bill to consolidate various rulemaking and advisory groups under the North Carolina Division of Mental Health, Mental Retardation and Substance Abuse Services.

On motion of Senator Ward, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered, without objection, sent to the House of Representatives without engrossment.

S. B. 98, a bill to amend Article 2F of Chapter 122 of the General Statutes to provide for the representation of both alcohol and drug abuse interests on Area Mental Health, Mental Retardation and Substance Abuse Boards.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 22, an act to amend the Charter of the City of Asheville relating to the organization of city departments.

H. B. 106, an act to provide that if vacancies occur in the two remaining appointive positions on the Greensboro City Board of Education, they shall not be filled.

On motion of Senator Royall, seconded by Senator Hancock, the Senate adjourns to meet tomorrow at 1:30 P.M.

TWENTY-FIFTH DAY

SENATE CHAMBER,
Tuesday, February 17, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Let us down gently, Lord.

We, who stand before You in our glory.
Self-satisfied, smug, and sure
We grasp at power,
Moving and shaking the world,
Shaping it to our will.

"Or so it seems to us,
Until reality slaps us in the face,
And events tilt crazily out of our control.

"Let us down gently, Lord.

Put our feet on solid ground.
Show us our humanity
And help us to rejoice in it.

"Teach us that it isn't sinful to be creatures,
To admit doubt,
To acknowledge fear,
To ask for guidance.

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"Let us down gently, Lord,

We are fragile creatures, easily bruised.
Encourage us to seek Your wisdom
And to hear the counsel of friends and foes alike.

"Then help us to judge rightly,
And rule with patience,
As You lead where once we tried to walk alone. Amen."

Senator Royall for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants a leave of absence to Senator Vickery for today. Leaves of absence granted previously to Senators Soles and Lawing are noted.

RE-REFERRAL

S. B. 8, a bill to permit members of the Teachers' and State Employees' Retirement System to purchase credit for prior temporary nonstudent State service.

On motion of Senator Hardison the rules are suspended and the bill is taken from the **Appropriations Committee** and re-referred to the **Pensions and Retirement Committee**.

RECONSIDERATION

S. B. 93, a bill to consolidate various rulemaking and advisory groups under the North Carolina Division of Mental Health, Mental Retardation and Substance Abuse Services, as amended.

Senator Ward offers a motion that the order to send the bill to the House of Representatives without engrossment be rescinded, and the bill, as amended, placed on the Calendar for today for further consideration, which motion prevails.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Creech for the **Judiciary III Committee**:

S. B. 107, a bill to allow notice of public hearing on creation, extension or consolidation of a county or municipal service district to be given by any class of U. S. Mail, with a favorable report.

H. B. 97, a bill to amend Chapter 14, Section 344 of the General Statutes regulating the sale of admission tickets in excess of the sale price.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

February 17, 1981

By Senator Harris:

S. B. 126, a bill to transfer the responsibility for transportation of autistic children from the Department of Human Resources to the Department of Public Education.

Referred to **Human Resources Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 93, a bill to consolidate various rulemaking and advisory groups under the North Carolina Division of Mental Health, Mental Retardation and Substance Abuse Services, as amended.

Senator Ward moves that the vote by which the bill, as amended, passed its third reading be reconsidered, which motion prevails.

Senator Ward moves that the vote by which the bill, as amended, passed its second reading be reconsidered, which motion prevails.

Senator Ward moves that the vote by which Committee Amendment No. 1 was adopted be reconsidered, which motion prevails.

Senator Ward moves that Committee Amendment No. 1 be withdrawn, which motion prevails.

The question becomes passage of the bill upon its second reading.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 14, an act to extend through April 15, 1981, the period for applying for the Homestead Exemption for property taxes for calendar year 1980.

H. B. 24, an act to provide that the Macon County Board of Education shall take office in December following the election, and to provide that vacancies occurring in the first two years of a term shall be filled by appointment only until the next election.

On motion of Senator Royall, seconded by Senator Jordan, the Senate adjourns to meet tomorrow at 1:30 P.M.

TWENTY-SIXTH DAY

SENATE CHAMBER,

Wednesday, February 18, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, we thank You today for Your gifts that add meaning and beauty to our lives. Especially, we are grateful for living in a part of the world which enjoys the benefits of so many material blessings. Help us not only to be thankful for what we have,

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but to be good stewards as well, preserving and protecting that which has been entrusted to us. Remind us daily of Your children in our midst who do not share as freely as we do in this bounty, and cause a spirit of sharing to rise among us that we may worship You by sharing with and caring for others. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants a leave of absence to Senator Rauch for today. A leave of absence granted previously to Senator Soles is noted.

The President extends courtesies of the floor to Claude DeBruhl, former Representative from Buncombe County.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator McDuffie for the **Election Laws Committee**:

S. B. 123, a bill to amend the requirements for a supervisor of elections and the procedure for termination of such employment, with a favorable report.

H. B. 20, a bill to require boards of election to check the party affiliation of candidates filing in partisan primaries, and to amend the current statutes concerning municipal elections, with a favorable report.

H. B. 53, a bill to amend Chapter 163 of the General Statutes relative to closing registration books, with a favorable report.

H. B. 84, Committee Substitute for **H. B. 84**, a bill to provide that canvasses of election returns and the meeting of Presidential Electors shall not take place in the State Legislative Building, with a favorable report.

H. B. 135, a bill to allow a person purged from voter registration for failure to vote for four years to have his name remain on the voter list by notice submitted by mail or by address transfer, with a favorable report.

By Senator Duncan for the **Finance Committee**:

S. B. 106, a bill to allow the Town of Battleboro to collect on motor vehicles a tax of not more than five dollars, with a favorable report.

By Senator Marion for the **Local Government and Regional Affairs Committee**:

H. B. 111, a bill to authorize the Town of Chapel Hill to appoint a Deputy Town Attorney, and delete a reference to the appointment date of the Town Attorney, with a favorable report.

By Senator Barnes for the **State Government Committee**:

S. B. 95, a bill to permit all school employees paid from State funds and employed on a 10-month basis to choose to be paid in 12 monthly installments, with a favorable report.

By Senator Harrington for the **Transportation Committee**:

S. B. 3, House Committee Substitute for **S. B. 3**, a bill to amend G. S. 20-7 to allow a volunteer member of a fire department to operate a fire-fighting vehicle with a Class C license, with a favorable report as to concurrence.

S. B. 50, a bill to place the phrase "First in Flight" and a representation of the Wright Brothers' airplane on registration plates, with a favorable report, as amended.

On motion of Senator Harrington, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee**.

S. B. 64, a bill amending G. S. 20-88(b)(4) to redefine farm products, with a favorable report.

H. B. 57, a bill to amend G. S. 143-129 relating to the letting of public contracts by the City of Statesville, with a favorable report.

H. B. 103, a bill to authorize the Department of Transportation to permit encroachment of airspace above Biltmore Avenue in the City of Asheville for construction of a health services building bridge, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Jenkins, Lawing, Speed, Alford, Harrington, Mathis, Allsbrook, Raynor, McDuffie, White, Noble, Thomas of Craven, Clarke, Redman, Ballenger, Allred, Warren, Barnes, Royall, Harris, Hardison, and Thomas of Henderson:

S. B. 127, a bill to prohibit retired members of any State or local publicly funded retirement system being paid any retirement compensation while an employed member of any State or local publicly funded retirement system.

Referred to **Pensions and Retirement Committee**.

By Senators Raynor, Daniels, Harrington, Alford, Speed, Jenkins, Noble, McDuffie, Marvin, Marion, Duncan, Harris, Wynne, Thomas of Henderson, Clarke, Kincaid, Jernigan, Baker, Johnson, Marvin, Garrison, Gray, Jordan, Warren, Ward, Cavanagh, and Redman:

S. B. 128, a bill to prohibit the manufacture, delivery, sale, possession and use of drug paraphernalia.

Referred to **Law Enforcement and Crime Control Committee**.

By Senators Daniels and Harrington:

S. B. 129, a bill to make appropriations for beef cattle feeding and environmental research at the Tidewater Research Station.

Referred to **Agriculture Committee**.

By Senators McDuffie, Noble, and Lawing:

S. B. 130, a bill to direct the Legislative Research Commission to study equitable distribution of marital property.

Referred to **Rules and Operation of the Senate Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 49, Committee Substitute for **H. B. 49**, a bill to provide that members of Nursing Home Community Advisory Committee members may be defended pursuant to Chapter 143 of the General Statutes.

Referred to **Human Resources Committee**.

H. B. 132, a bill to incorporate the Village of Clemmons in Forsyth County, subject to referendum.

Referred to **Judiciary I Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 24, Committee Substitute for **S. B. 24**, a bill for equitable distribution of marital property.

Senator Hancock offers Amendment No. 1 which is adopted.

Senator McDuffie moves that consideration of the Committee Substitute bill, as amended, be postponed until Wednesday, February 25.

Senator Jordan offers a substitute motion that the Committee Substitute bill, as amended, be postponed until tomorrow, February 19, which motion prevails.

S. B. 72, Committee Substitute for **S. B. 72**, a bill to amend the Fair Sentencing Act, As Amended in 1980, upon third reading.

The Committee Substitute bill passes its third reading and is ordered, without objection, sent to the House of Representatives by Special Messenger.

S. B. 107, a bill to allow notice of public hearing on creation, extension or consolidation of a county or municipal service district to be given by any class of U. S. Mail.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H. B. 97, a bill to amend Chapter 14, Section 344 of the General Statutes regulating the sale of admission tickets in excess of the sale price, upon second reading.

The bill passes its second reading by roll-call vote, ayes 40, noes 4, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Redman, Royall, Smith, Speed, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wright — 40.

Voting in the negative: Senators Allred, Baker, Harris, and Swain — 4.

The bill remains on the Calendar upon third reading.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 16, an act to amend G. S. 20-218 to permit school buses that do not pick up children on public highways to operate at 45 m.p.h.

On motion of Senator Lawing, seconded by Senator Duncan, the Senate adjourns to meet tomorrow at 1:30 P.M.

TWENTY-SEVENTH DAY

SENATE CHAMBER,
Thursday, February 19, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Father in Heaven, as we gather here to consider the needs of the people of this State, Nation and world, we ask once more for Your spirit of wisdom and power. Help us to apply ourselves with industry and integrity to those tasks You have assigned us in life, and enable us to ask the right questions and dream the right dreams so that justice, mercy, abundance and peace may abound for all. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants a leave of absence to Senator Mathis for today and tomorrow, February 20. A leave of absence granted previously to Senator Soles is noted.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Allsbrook for the **Judiciary I Committee**:

H. B. 92, a bill to prohibit a minor mother from marrying if her child has died, with a favorable report, as amended.

By Senator Vickery for the **Judiciary II Committee**:

S. B. 99, a bill to permit military practitioners to write prescriptions for military members and dependents, with a favorable report, as amended.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Swain, Jenkins, Thomas of Henderson, Daniels, Clarke, and Palmer:

S. B. 131, a bill to authorize the construction and financing, without appropriations from the General Fund, of a dormitory at UNC-Asheville.

Referred to **Appropriations Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 126, a bill to clarify that when the sales tax on an item is subject to a maximum dollar amount, the use tax is subject to the same restriction.

Referred to **Finance Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 3, House Committee Substitute for **S. B. 3**, a bill to amend G. S. 20-7 to allow a volunteer member of a fire department to operate a fire-fighting vehicle with a Class C license, for concurrence in the House Committee Substitute bill.

On motion of Senator Lawing, the Senate concurs in the House Committee Substitute bill and the bill is ordered enrolled.

S. B. 24, Committee Substitute for **S. B. 24**, a bill for equitable distribution of marital property, as amended.

Senator Marvin calls the previous question, seconded by Senator Gray. The call is sustained.

The Committee Substitute bill, as amended, passes its second reading.

On motion of Senator Marvin, further consideration of the Committee Substitute bill, as amended, is postponed until Wednesday, February 25.

S. B. 64, a bill amending G. S. 20-88 (b) (4) to redefine farm products.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 95, a bill to permit all school employees paid from State funds and employed on a 10-month basis to choose to be paid in 12 monthly installments.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 106, a bill to allow the Town of Battleboro to collect on motor vehicles a tax of not more than five dollars, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jerigan, Johnson, Jordan, Kincaid,

Lawing, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Speed, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 46.

The bill remains on the Calendar upon third reading.

S. B. 123, a bill to amend the requirements for a supervisor of elections and the procedure for termination of such employment.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H. B. 20, a bill to require boards of election to check the party affiliation of candidates filing in partisan primaries, and to amend the current statutes concerning municipal elections.

The bill passes its second and third readings and is ordered enrolled.

H. B. 53, a bill to amend Chapter 163 of the General Statutes relative to closing registration books.

The bill passes its second and third readings and is ordered enrolled.

H. B. 57, a bill to amend G. S. 143-129 relating to the letting of public contracts by the City of Statesville.

The bill passes its second and third readings and is ordered enrolled.

H. B. 65, a bill to provide that the Speaker of the House of Representatives may designate a person to serve for him on certain boards and commissions, upon concurrence.

Senator Barnes offers Amendment No. 1 which is adopted, changing the title of the bill.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate amendment No. 1.

H. B. 84, Committee Substitute for **H. B. 84**, a bill to provide that canvasses of election returns and the meeting of Presidential Electors shall not take place in the State Legislative Building.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 97, a bill to amend Chapter 14, Section 344 of the General Statutes regulating the sale of admission tickets in excess of the sale price, upon third reading.

The bill passes its third reading by roll-call vote, ayes 45, noes 2, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 45.

Voting in the negative: Senators Allred and Baker — 2.

The bill is ordered enrolled.

H. B. 103, a bill to authorize the Department of Transportation to permit encroachment of airspace above Biltmore Avenue in the City of Asheville for construction of a health services building bridge.

The bill passes its second and third readings and is ordered enrolled.

Senator Allred requests to be recorded voting "aye."

H. B. 111, a bill to authorize the Town of Chapel Hill to appoint a Deputy Town Attorney, and delete a reference to the appointment date of the Town Attorney.

The bill passes its second and third readings and is ordered enrolled.

H. B. 135, a bill to allow a person purged from voter registration for failure to vote for four years to have his name remain on the voter list by notice submitted by mail or by address transfer.

The bill passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 35, an act to incorporate the Town of Gamewell in Caldwell County, subject to a referendum.

On motion of Senator Lawing, seconded by Senator Rauch, the Senate adjourns to meet tomorrow at 10:30 A.M.

TWENTY-EIGHTH DAY

SENATE CHAMBER,
Friday, February 20, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follow:

"God of Truth: Send us Your Spirit this day as we seek to separate the real from the illusion, the true from the false. There are so many conflicting claims on our lives, O God, that we often can not seem to find Your will in the maze of ideas, people, and events that hourly confront us. We confess our humanity, and our frequent weariness with a task that seems too hard for mere creatures. Grant us rest and refreshment in the week-end ahead, and help us to place our needs at Your feet, knowing that You alone can provide the discernment, the sharp vision, and the inner strength we need to be Your faithful servants. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senators Harrington, Mills and McDuffie for today. Leaves of absence granted previously to Senators Mathis and Soles are noted.

The President extends courtesies of the gallery to Clyde Norton, former Senator from McDowell County.

APPOINTMENT OF THE GOVERNOR

The President directs the Reading Clerk to read the following message from the Governor:

February 20, 1981

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR

February 17, 1981

The Honorable James C. Green
President of Senate
Room 2017 Legislative Building
Raleigh, North Carolina 27611

Dear Jimmy:

As part of the Health Planning Acts Amendments of 1979, P. L. 96- 79, the Congress changed the procedures for appointment of the Chairperson of the State Health Coordinating Council (SHCC). Section 124 (b) reads as follows:

"The Governor may select, by and with the advice and consent of the State senate . . . , the chairman of the SHCC from among the members of the SHCC. If the Governor does not select the chairman, the SHCC shall select the chairman from among its members" (emphasis mine).

This provision became effective October 1, 1980.

Mr. William R. Richardson, the former chairman of the SHCC, resigned effective June 30, 1980. I asked Dr. James E. Davis of Durham, a past President of the North Carolina Medical Society, to serve as SHCC Chairman beginning July 1, 1980. I would like to submit his name to the North Carolina Senate and ask that he be confirmed as SHCC Chairman by the 1981 Senate. I will be glad to provide information concerning Dr. Davis' expertise and qualifications for this post to you and to the Committee considering his appointment.

Thank you for your help in this matter.

Sincerely,
S/ JAMES B. HUNT, JR.
Governor of North Carolina

Notification of this appointment is referred to the **Human Resources Committee**.

RE-REFERRAL

S. B. 126, a bill to transfer the responsibility for transportation of autistic children from the Department of Human Resources to the Department of Public Education.

On motion of Senator Harris the rules are suspended and the bill is taken from **Human Resources Committee** and re-referred to the **Appropriations Committee**.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Duncan for the **Finance Committee**:

S. B. 104, a bill to increase fees of the North Carolina Board of Pharmacy, with a favorable report.

February 20, 1981

H. B. 30, a bill to update sales tax exemption for medical equipment, with a favorable report.

On motion of Senator Duncan, the bill is re-referred to the **Ways and Means Committee**.

H. B. 35, a bill to delete a reference to vaudeville shows in the Privilege License Tax Laws, to clarify the tax status of such shows, with a favorable report.

H. B. 45, Committee Substitute for **H. B. 45**, a bill to adopt for North Carolina income tax purposes the Installment Sales Revision Act of 1980, so as to simplify capital gains tax treatment, with a favorable report.

By Senator Harris for the **Human Resources Committee**:

S. B. 109, a bill to clarify the authority of the North Carolina Board of Nursing in reinstating lapsed licenses, as requested by the Administrative Rules Review Committee, with a favorable report.

S. B. 115, a bill to allow a Board of County Commissioners to set the per diem of local Boards of Health without restriction, with a favorable report.

H. B. 147, a bill to provide for required immunizations of older school children, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Allred:

S. B. 132, a bill to conform the notice requirements for claims against cities and towns provided in G. S. 1-539.15 with the requirement of G. S. 1-53 (1).

Referred to **Judiciary I Committee**.

By Senators Swain, Jordan, Royall, Harris, Daniels, Palmer, Hardison, Thomas of Henderson, and Allsbrook:

S. B. 133, a bill to increase the membership of the Private Protective Services Board by two.

Referred to **Courts and Judicial Districts and Criminal Justice Committee**.

By Senators Swain, Clarke, Palmer, and Thomas of Henderson:

S. B. 134, a bill to appropriate funds to erect a state office building to serve the people of western North Carolina.

Referred to **Appropriations Committee**.

By Senator Creech:

S. B. 135, a bill to require that the conveyance of property used for hazardous waste storage or disposal contain notice of such use.

Referred to **Judiciary III Committee**.

By Senators Ballenger and Redman:

S. B. 136, a bill to appropriate funds for the planning and restoration of the Murray's Mill complex in Catawba County.

Referred to **Appropriations Committee**.

By Senator Duncan:

S. B. 137, a bill to allow the Town of Mayodan to use the provisions of Chapter 136 of the General Statutes in condemnation proceedings.

Referred to **Local Government and Regional Affairs Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 85, a bill to amend the definition of user-seller under the Special Fuels Tax Act, and to amend the reporting and record keeping procedures.

Referred to **Finance Committee**.

H. B. 123, a bill defining the share of the surviving spouse under the laws of intestate succession.

Referred to **Judiciary II Committee**.

H. B. 139, a bill to amend Chapter 282 of the Session Laws of 1979 relating to the authority of the Board of Commissioners of Guilford County to delegate to the Guilford County Planning Board the authority to close public roads or easements.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 140, a bill to authorize the Board of Commissioners of Guilford County to appoint or designate a deputy clerk to the Board.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 146, Committee Substitute for **H. B. 146**, a bill to require reporting of positive tuberculosis tests by laboratories.

Referred to **Judiciary I Committee**.

H. B. 175, a bill to allow cities and counties to expend local tax funds in support of the arts.

Referred to **State Government Committee**.

H. B. 203, a bill to permit professional boxing in the City of Greensboro.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 211, a bill to restrict the use of Division of Motor Vehicles' drivers' license records.

Referred to **Judiciary II Committee**.

CALENDAR

Bills and resolutions on the calendar are taken up and disposed of as follows:

S. B. 99, a bill to permit military practitioners to write prescriptions for military members and dependents.

On motion of Senator Raynor, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 106, a bill to allow the Town of Battleboro to collect on motor vehicles a tax of not more than five dollars, upon third reading.

The bill passes its third reading by roll-call vote, ayes 40, noes 3, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Garrison, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Jordan, Lawing, Marion, Marvin, Noble, Palmer, Rauch, Raynor, Redman, Smith, Speed, Swain, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 40.

Voting in the negative: Senators Johnson, Royall, and Thomas of Craven — 3.

The bill is ordered sent to the House of Representatives.

H. B. 92, a bill to prohibit a minor mother from marrying if her child has died.

Senator Jenkins moves the adoption of Committee Amendment No. 1.

Senator Allsbrook offers a substitute motion that the bill and pending Committee Amendment No. 1 be recommitted to the **Judiciary I Committee**, which motion prevails.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 5, an act to permit the Nash County Board of Commissioners to appropriate additional funds for industrial development.

S. B. 60, an act to allow Franklin County to follow the general law concerning publication of rules and regulations of its Board of Health.

H. B. 20, an act to require boards of election to check the party affiliation of candidates filing in partisan primaries, and to amend the current statutes concerning municipal elections.

H. B. 53, an act to amend Chapter 163 of the General Statutes relative to closing registration books.

H. B. 57, an act to amend G. S. 143-129 relating to the letting of public contracts by the City of Statesville.

H. B. 84, Committee Substitute for **H. B. 84**, an act to provide that canvasses of election returns and the meeting of Presidential Electors shall not take place in the State Legislative Building.

H. B. 97, an act to amend Chapter 14, Section 344 of the General Statutes regulating the sale of admission tickets in excess of the sale price.

H. B. 103, an act to authorize the Department of Transportation to permit encroachment of airspace above Biltmore Avenue in the City of Asheville for construction of a health services building bridge.

H. B. 111, an act to authorize the Town of Chapel Hill to appoint a Deputy Town Attorney, and delete a reference to the appointment date of the Town Attorney.

H. B. 135, an act to allow a person purged from voter registration for failure to vote for four years to have his name remain on the voter list by notice submitted by mail or by address transfer.

On motion of Senator Lawing, seconded by Senator Walker, the Senate adjourns to meet Monday at 8:00 P.M.

TWENTY-NINTH DAY

SENATE CHAMBER,

Monday, February 23, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable W. Craig Lawing, President Pro Tempore of the Senate.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, we stand before You in the knowledge of our humanity, imperfect creatures, yet only a little lower than the angels in Your sight. The immensity of this world sometimes frightens us, yet we are confident because You have commanded us to fill and subdue it. The complexity of the universe, with spinning galaxies and unknown worlds, might overwhelm us except for Your assurance to stand with us and work through us. Help us, O God, to accept the burden of stewardship which is ours, and to keep ourselves open to possibilities of service in Your name, and for the sake of our brothers and sisters on this planet. Amen."

Senator Warren for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written:

The President grants leaves of absence for tonight to Senators Frye, Duncan, and Redman; and to Senators Royall and Hardison, who are attending a meeting in Washington, D. C., at the request of the Governor.

The President recognizes the following pages serving in the Senate this week: Eddie Andrews, Wilkesboro; Shannon Collier Ashburn, Raleigh; Elizabeth Carol Britt, Graham; Lori Danette Brooks, Ansonville; William Jeffrey Cobb, Raleigh; Arden Cochran, Wilmington; William Delon Dowdy, Greensboro; Cooper Falls, Raleigh; Stephanie Fischer, Raleigh; Alecia Lynne Flowers, Clayton; Steven Andrew Henderson, Jacksonville; Whitney Lowe, Wilmington; Ralph Thomas Mayes, Jr., Henderson; Laquetta Ann Robinson, Mt. Olive; Bobby Rook, Roanoke Rapids; Jane Taylor Rose, Benson; Lee Smith, Raleigh; Melinda Snow, Raleigh; Trinh Truong, Clarkton; and Todd Woodlief, Raleigh.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Kincaid, Redman, and Wright:

S. B. 138, a bill to make assault on emergency medical services personnel a felony. Referred to **Judiciary I Committee**.

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By Senator Allred:

S. B. 139, a bill to revoke the power of the Milk Commission to fix milk prices.
Referred to **Agriculture Committee**.

By Senators Clarke, Daniels, Duncan, Royall, Garrison, Raynor, Redman, Rauch, and Hardison:

S. B. 140, a bill to change the membership of the Capital Building Authority.
Referred to **State Government Committee**.

By Senators Clarke, Daniels, Duncan, Royall, Garrison, Raynor, Redman, Rauch, and Hardison:

S. B. 141, a bill to change the jurisdiction of the Capital Building Authority.
Referred to **State Government Committee**.

By Senators Clarke, Daniels, Duncan, Royall, Garrison, Raynor, Redman, Rauch, and Hardison:

S. B. 142, a bill to put the Department of Community Colleges within the jurisdiction of the Division of State Construction.
Referred to **State Government Committee**.

By Senators Clarke, Daniels, Duncan, Royall, Raynor, and Redman:

S. J. R. 143, a joint resolution authorizing the Legislative Research Commission to continue to study the design, construction and inspection of public facilities.
Referred to **Rules and Operation of the Senate Committee**.

By Senators Clarke, Daniels, Duncan, Royall, Raynor, and Redman:

S. B. 144, a bill to raise the monetary limits for requiring an architect or engineer.
Referred to **State Government Committee**.

By Senators Clarke, Daniels, Duncan, Royall, Raynor, and Redman:

S. B. 145, a bill to require timely payments to subcontractors.
Referred to **State Government Committee**.

By Senators Clarke, Daniels, Duncan, Royall, Redman, and Raynor:

S. B. 146, a bill to require the Office of State Budget and Management to study rules covering State construction.
Referred to **State Government Committee**.

By Senators Clarke, Daniels, Duncan, Royall, Raynor, and Redman:

S. B. 147, a bill to allow claims to be settled prior to the completion of contracts.
Referred to **State Government Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 2, Committee Substitute for **H. B. 2**, a bill to provide that election of the Rutherford County Board of Commissioners be for two-year terms, subject to a referendum.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 43, Committee Substitute for **H. S. 43**, a bill to amend Chapter VII of the Charter of the City of Charlotte relating to Uptown Development Projects.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 96, Committee Substitute for **H. B. 96**, a bill to amend G. S. 20-24 concerning reports of convictions sent to the Division of Motor Vehicles.

Referred to **Transportation Committee**.

H. B. 99, Committee substitute for **H. B. 99**, a bill to exempt members of certain boards of education under certain circumstances from the conflict of interest provisions of G. S. 14-234, G. S. 14-236 and G. S. 14-237.

Referred to **Judiciary II Committee**.

H. B. 130, a bill to make the effective date of the individual income tax provision for the sale of a principal residence by the elderly the same as the federal provision.

Referred to **Finance Committee**.

H. B. 184, a bill to amend the Charter of the City of Charlotte to delete the residency requirements for department heads.

Referred to **Local Government and Regional Affairs Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 104, a bill to increase fees of the North Carolina Board of Pharmacy.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 109, a bill to clarify the authority of the North Carolina Board of Nursing in reinstating lapsed licenses, as requested by the Administrative Rules Review Committee.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 115, a bill to allow a Board of County Commissioners to set the per diem of local Boards of Health without restriction.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H. B. 35, a bill to delete a reference to vaudeville shows in the Privilege License Tax Laws, to clarify the tax status of such shows, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Garrison, Gray, Hancock, Harrington, Harris, Johnson, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie,

Mills, Noble, Palmer, Rauch, Raynor, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 42.

The bill remains on the Calendar upon third reading.

H. B. 45, Committee Substitute for **H. B. 45**, a bill to adopt for North Carolina income tax purposes the Installment Sales Revision Act of 1980, so as to simplify capital gains tax treatment, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Garrison, Gray, Hancock, Harrington, Harris, Jernigan, Johnson, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 43.

The Committee Substitute bill remains on the Calendar upon third reading.

H. B. 147, a bill to provide for required immunizations of older school children.

The bill passes its second and third readings and is ordered enrolled.

On motion of Senator Rauch, seconded by Senator Jenkins, the Senate adjourns to meet tomorrow at 1:30 P.M.

THIRTIETH DAY

SENATE CHAMBER,

Tuesday, February 24, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Keith Reeve, Rector of St. Mark's Episcopal Church, Raleigh, as follows:

"Most High and Holy Ruler of the Universe, by whom this commonwealth was established and has been preserved in freedom; we give You thanks for Your many favors shown to our forebears, for this goodly land and all its people, for the rich inheritance which is ours now to enjoy and for the trust which has been placed in us to maintain peace and prosperity in righteous law.

"Give us wisdom and courage, give us skill and integrity and above all give us that passion for justice and mercy which alone can guide us into a future according to Your will so that the praise of Your name may continue in this place from generation to generation. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants a leave of absence to Senator Duncan for today and to Senators Clarke, Hancock, and Daniels for tomorrow, February 25.

February 24, 1981

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Mills for the **Banking Committee**:

S. B. 100, a bill to amend G. S. 24-1.2 relating to installment loan rates, including second mortgages, with a favorable report, as amended.

On motion of Senator Mills, the bill is placed on the Calendar for Thursday, February 26.

By Senator Allsbrook for the **Judiciary I Committee**:

H. B. 132, a bill to incorporate the Village of Clemmons in Forsyth County, subject to referendum, with a favorable report.

By Senator Harrington for the **Transportation Committee**:

H. B. 41, a bill to extend handicapped parking privileges to vehicles displaying out-of-state license plates, placards or other evidence of handicap issued by the appropriate authority of the appropriate jurisdiction, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Johnson:

S. B. 148, a bill to allow the Council of State to exempt individual lease transactions from competitive bidding.

Referred to **State Government Committee**.

By Senator Johnson:

S. B. 149, a bill to authorize the Department of Administration to consent to or deny permission for the annexation of State-owned lands into municipalities.

Referred to **State Government Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H. B. 35, a bill to delete a reference to vaudeville shows in the Privilege License Tax Laws, to clarify the tax status of such shows, upon third reading.

The bill passes its third reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 48.

The bill is ordered enrolled.

H. B. 45, Committee Substitute for **H. B. 45**, a bill to adopt for North Carolina income tax purposes the Installment Sales Revision Act of 1980, so as to simplify capital gains tax treatment, upon third reading.

The bill passes its third reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 48.

The bill is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 3, an act to amend G. S. 20-7 to allow a volunteer member of a fire department to operate a fire-fighting vehicle with Class C license.

S. B. 56, an act to provide that members of the Randolph County Board of Commissioners shall reside in and represent districts, but the qualified voters of the entire County shall nominate and elect all members.

H. B. 147, an act to provide for required immunizations of older school children.

On motion of Senator Lawing, seconded by Senator Jernigan, the Senate adjourns in loving memory of Hazeleene Scott, wife of Ralph Scott, former Senator from Alamance County, to meet tomorrow at 12:00 M.

THIRTY-FIRST DAY

SENATE CHAMBER,
Wednesday, February 25, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, we are reminded on days like this one of Your generous love and concern for us as Your children, and the many blessings in life you give us. For warm sun and blue skies and green grass that help us to know Your present care, we give You thanks. Give us hearts and minds that are likewise warm and clear and growing, that we may work to preserve and protect the beauty and bounty of Your world for ourselves and our posterity. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

Leaves of absence granted previously to Senator Daniels, Clarke, and Hancock are noted.

The President extends courtesies of the gallery to the Honorable Chai Zemin, Ambassador from the Peoples' Republic of China.

The President extends courtesies of the floor to P. C. Collins, former Representative from Alleghany County.

REPORT OF COMMISSION

Pursuant to G. S. Chapter 143, Article 1.1, Senator Rauch submits for the **Governmental Evaluation Commission** the following Final Reports:

Board of Examiners for Speech and Language
Pathologists and Audiologists
Board of Physical Therapy Examiners
North Carolina Board of Barber Examiners
North Carolina Board of Cosmetic Art Examiners
North Carolina Board of Nursing
North Carolina Board of Pharmacy
North Carolina Dental Hygiene Act
North Carolina State Bar
North Carolina State Board of Chiropractic Examiners
North Carolina State Board of Dental Examiners
North Carolina State Board of Examiners in Optometry
North Carolina State Board of Hearing Aid Dealers and Fitters
North Carolina State Board of Medical Examiners
North Carolina State Board of Opticians
North Carolina State Board of Podiatry Examiners
North Carolina Veterinary Medical Board
North Carolina Water Treatment Facility Operators
Sedimentation Pollution Control Act and Sedimentation Control Commission
The Mining Act of 1971

(Copies of the Reports are on file in the Legislative Library.)

Referred to **State Government Committee**. (See G. S. 143-34.19)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Duncan for the **Finance Committee**:

S. B. 118, a bill to amend G. S. 89C to increase fees and for clarification, with a favorable report.

H. B. 126, a bill to clarify that when the sales tax on an item is subject to a maximum dollar amount, the use tax is subject to the same restriction, with a favorable report.

By Senator Marion for the **Local Government and Regional Affairs Committee**:

S. B. 137, a bill to allow the Town of Mayodan to use the provisions of Chapter 136 of the General Statutes in condemnation proceedings, with a favorable report.

H. B. 43, Committee Substitute for **H. B. 43**, a bill to amend Chapter VII of the Charter of the City of Charlotte relating to Uptown Development Projects, with a favorable report.

H. B. 133, a bill to permit Onslow County to construct two vehicle crossovers to the beach strand on private property, with a favorable report.

H. B. 139, a bill to amend Chapter 282 of the Session Laws of 1979 relating to the authority of the Board of Commissioners of Guilford County to delegate to the Guilford County Planning Board the authority to close public roads or easements, with a favorable report.

H. B. 140, a bill to authorize the Board of Commissioners of Guilford County to appoint or designate a deputy clerk to the Board, with a favorable report.

H. B. 184, a bill to amend the Charter of the City of Charlotte to delete the residency requirements for department heads, with a favorable report.

H. B. 203, a bill to permit professional boxing in the City of Greensboro, with a favorable report.

By Senator Barnes for the **State Government Committee**:

H. B. 109, a bill to establish the time for filing corporate income returns for certain partially exempt corporations, with a favorable report.

H. B. 175, a bill to allow cities and counties to expend local tax funds in support of the arts, with a favorable report.

By Senator Harrington for the **Transportation Committee**:

H. B. 86, a bill to amend Chapter 133 to provide for additional relocation assistance payments for persons displaced by public works projects, with a favorable report.

On motion of Senator Harrington, the bill is re-referred to the **Appropriations Committee**.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Clarke and Swain:

S. B. 150, a bill to appropriate funds to complete the auditorium and library at the Folk Art Center of the Southern Highland Handicraft Guild.

Referred to **Appropriations Committee**.

By Senators Clarke and Swain:

S. B. 151, a bill to appropriate funds for developing additional exhibits, upgrading

artifact storage and installing climate control and security systems in the Rural Life Museum at Mars Hill College.

Referred to **Appropriations Committee**.

By Senators Swain, Harris, Marvin, Harrington, Clarke, Jenkins, Thomas of Craven, Lawing, Vickery, Palmer, Raynor, Soles, and Cavanagh:

S. B. 152, a bill to appropriate funds to the Department of Correction for a vocational skills training building at the Women's Correctional Center in Raleigh.

Referred to **Appropriations Committee**.

By Senators Walker, Raynor, Harris, and Frye:

S. B. 153, a bill to recodify the Social Services Laws in G. S. Chapter 108.

Referred to **Human Resources Committee**.

By Senators Lawing, Royall, Rauch, and Hardison:

S. B. 154, a bill to change the size of the Board of Transportation.

Referred to **Rules and Operation of the Senate Committee**.

By Senators Jenkins, Hardison, Harris, Swain, Royall, and Thomas of Craven:

S. B. 155, a bill to separate the activities of the House and Senate Committees on Pensions and Retirement.

Referred to **Pensions and Retirement Committee**.

By Senators Creech, Mills, Marvin, Gray, Garrison, Hardison, White, Walker, Allred, Thomas of Henderson, Daniels, Harris, and Cockerham:

S. B. 156, a bill to make the federal bankruptcy exemptions unavailable to North Carolina debtors.

Referred to **Small Business Committee**.

By Senators Walker, Hancock, Frye, Marvin, Hardison, Jordan, Jernigan, Marion, Daniels, Vickery, Barnes, Lawing, Raynor, Harris, Noble, Jenkins, Boger, Smith, Clarke, Ballenger, Thomas of Henderson, Swain, White, Baker, Royall, Johnson, Wynne, Palmer, Rauch, Mathis, McDuffie, Cockerham, Redman, Garrison, Gray, Thomas of Craven, Alford, Allsbrook, Soles, Mills, Wright, Ward, Cavanagh, Warren, Creech, Duncan, Speed, Harrington, and Kincaid:

S. B. 157, a bill to continue in effect Chapter 1298 of the 1977 Session Laws relative to the designation of funds to political parties by individual taxpayers.

Referred to **Finance Committee**.

By Senator Harris:

S. B. 158, a bill to change the rate of interest in the Consumer Finance Act and to correct several references to the new legal usury rate and loan ceiling.

Referred to **Banking Committee**.

By Senators Garrison, Gray, Jernigan, Marvin, Ward, Warren, Hancock, Wynne, Walker, Creech, Johnson, and Thomas of Craven:

S. B. 159, a bill to change the name of the Council on the Status of Women to the Council for Women and to authorize the Council to establish certain programs.

Referred to **Economy Committee**.

By Senators Garrison and Gray:

S. B. 160, a bill to reduce the time permitted for filing answer in condemnation proceedings instituted by the North Carolina Department of Administration.

Referred to **State Government Committee**.

By Senator Noble:

S. B. 161, a bill to allow the Town of Fairmont to collect on motor vehicles a tax of not more than five dollars.

Referred to **Finance Committee**.

By Senator Noble:

S. B. 162, a bill to permit Clerk of Superior Court functioning in District Court matters to accept certain written appearances, waivers of trial and pleas of guilty where an increased amount of restitution is made.

Referred to **Courts and Judicial Districts and Criminal Justice Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 39, Committee Substitute for **S. B. 39**, a bill to require that application need only be made once for the Homestead Exemption for the elderly and disabled, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow, February 26.

H. B. 170, a bill to authorize the establishment of a treatment facility for emotionally disturbed children.

Referred to **Human Resources Committee**.

H. B. 206, a bill to make clarifying amendments to G. S. 14-27.2 and G. S. 14-27.4. Referred to **Judiciary I Committee**.

H. J. R. 208, a joint resolution honoring the life and memory of John Robbins McLaughlin, former member of the General Assembly.

Referred to **Rules and Operation of the Senate Committee**.

H. J. R. 209, a joint resolution honoring the life and memory of Pleas (Red) Lackey, former member of the General Assembly.

Referred to **Rules and Operation of the Senate Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 24, Committee Substitute for **S. B. 24**, a bill for equitable distribution of marital property, as amended, upon third reading.

On motion of Senator Marvin, the Committee Substitute bill, as amended, is recommitted to the **Judiciary III Committee**.

H. B. 41, a bill to extend handicapped parking privileges to vehicles displaying out-of-state license plates, placards or other evidence of handicap issued by the appropriate authority of the appropriate jurisdiction.

The bill passes its second and third readings and is ordered enrolled.

February 25, 1981

H. B. 132, a bill to incorporate the Village of Clemmons in Forsyth County, subject to referendum, upon second reading.

The bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Cockerham, Creech, Duncan, Frye, Garrison, Gray, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 47.

The bill remains on the Calendar upon third reading.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 35, an act to delete a reference to vaudeville shows in the Privilege License Tax Laws, to clarify the tax status of such shows.

H. B. 45, Committee Substitute for **H. B. 45**, an act to adopt for North Carolina income tax purposes the Installment Sales Revision Act of 1980, so as to simplify capital gains tax treatment.

H. B. 65, an act to provide that the Speaker of the House of Representatives and the Lieutenant Governor, the President of the Senate, may designate a person to serve for him on certain boards and commissions.

On motion of Senator Lawing, seconded by Senator Palmer, the Senate adjourns to meet tomorrow at 1:30 P.M.

THIRTY-SECOND DAY

SENATE CHAMBER,

Thursday, February 26, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by Rabbi Lewis Koplowitz, Congregation Sha'Arie Israel, Raleigh, as follows:

"Dear G-d, You grant to man knowledge, understanding, and the wisdom to use them well. You have given us, moreover, the free will to build or tear down, to construct or to destruct, to plan or to let go awry.

"Strengthen our hearts, O L-rd, this day and every day that we may direct our own paths toward what is right, fearing neither the abuse of those who scorn right-minded people nor the power of those who abuse it for their own gain. May we do this for Your glory, O L-rd, not for our own; that brothers may dwell in peace, together, under G-d's providential reign.

"HINEY MATOV UMAH NA-IM SHEVET ACHIM GAM YACHDAV.

"Let us say—Amen."

February 26, 1981

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senators Walker and Rauch for today and to Senator Walker for tomorrow, February 27.

CONFIRMATION OF APPOINTMENT

Senator Harris for the **Human Resources Committee** submits the following report:

REPORT OF SENATE HUMAN RESOURCES COMMITTEE ON APPOINTMENT OF CHAIRPERSON OF THE STATE HEALTH COORDINATING COUNCIL

The Senate Committee on Human Resources, which has been charged by the Lieutenant Governor with the duty of inquiring into the qualifications and fitness of persons appointed by the Governor in cases where appointments are subject to consent by the Senate of the General Assembly, report as follows:

The Senate Committee on Human Resources recommends that in compliance with the Health Planning Amendments of 1979, P. L. 96-79, the members of the Senate vote to give consent to the appointment by the Governor of Dr. James E. Davis to succeed Mr. William R. Richardson as Chairperson of the State Health Coordinating Council.

S/ J. OLLIE HARRIS, *Chairman*
Committee on Human Resources

Senator Harris moves that the Senate accept the recommendation of the **Human Resources Committee** and consent to the appointment by the Governor of Dr. James E. Davis as Chairperson of the State Health Coordinating Council, which motion prevails by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Noble, Palmer, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Ward, Warren, White, Wright, and Wynne — 46.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follow:

By Senator Mills for the **Banking Committee**:

S. B. 101, a bill to amend G. S. 24-1.1 relating to contract loan rates, with a favorable report.

On motion of Senator Mills, the bill is placed on the Calendar for Tuesday, March 3.

By Senator Swain for the **Courts and Judicial Districts and Criminal Justice Committee:**

S. B. 133, a bill to increase the membership of the Private Protective Services Board by two, with a favorable report.

By Senator Allsbrook for the **Judiciary I Committee:**

H. B. 206, a bill to make clarifying amendments to G. S. 14-27.2 and G. S. 14-27.4, with a favorable report.

By Senator Soles for the **Judiciary II Committee:**

H. B. 123, a bill defining the share of the surviving spouse under the laws of intestate succession, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Noble and Cavanagh:

S. B. 163, a bill to increase the amount of annual interest exempt from State income taxation from two hundred dollars to one thousand dollars.

Referred to **Finance Committee**.

By Senators Garrison and Jordan:

S. B. 164, a bill to permit the transportation of seed cotton without a covering on the vehicle.

Referred to **Transportation Committee**.

By Senators Smith and Boger:

S. B. 165, a bill to permit fox trapping under certain conditions in Rowan County.

Referred to **Natural and Economic Resources and Wildlife Committee**.

By Senators Cavanagh, Ballenger, Redman, and Smith:

S. B. 166, a bill implementing the provisions of Article II, Section 9, of the North Carolina Constitution, regarding the date on which a member of the General Assembly takes office for purposes of dual-office holding.

Referred to **Election Laws Committee**.

By Senators Speed and Alford:

S. B. 167, a bill to make certain changes in the effect of the Judicial Standards Act's removal of judges.

Referred to **Judiciary II Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 68, a bill to exempt from property taxation "bill and hold" goods owned by nonresidents and held for shipment.

Referred to **Finance Committee**.

H. B. 191, a bill to abolish the North Carolina Traffic Safety Authority.

Referred to **State Government Committee**.

H. B. 214, a bill to delete the requirement that teachers and other school employees receive an annual examination for tuberculosis.

Referred to **Human Resources Committee**.

H. B. 254, a bill to clarify the availability of civil liability protection for outside law enforcement officers providing aid to law enforcement agencies requesting assistance.

Referred to **Law Enforcement and Crime Control Committee**.

H. B. 275, a bill to delay the effective date of the Fair Sentencing Act.

On motion of Senator Barnes, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 39, Committee Substitute for **S. B. 39**, a bill to require that application need only be made once for the Homestead Exemption for the elderly and disabled, for concurrence in House Amendment No. 1.

On motion of Senator Speed, the Senate concurs in House Amendment No. 1 and the Committee Substitute bill is ordered enrolled.

S. B. 100, a bill to amend G. S. 24-1.2 relating to installment loan rates, including second mortgages.

On motion of Senator Mills, consideration of the bill is postponed until Tuesday, March 3.

S. B. 118, a bill to amend G. S. 89C to increase fees and for clarification.

On motion of Senator Jordan, consideration of the bill is postponed until Friday, February 27.

S. B. 137, a bill to allow the Town of Mayodan to use the provisions of Chapter 136 of the General Statutes in condemnation proceedings, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garri-son, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Ward, Warren, White, and Wynne — 46.

The bill remains on the Calendar upon third reading.

H. B. 43, Committee Substitute for **H. B. 43**, a bill to amend Chapter VII of the Charter of the City of Charlotte relating to Uptown Development Projects.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 109, a bill to establish the time for filing corporate income returns for certain partially exempt corporations.

The bill passes its second and third readings and is ordered enrolled.

H. B. 126, a bill to clarify that when the sales tax on an item is subject to a maximum dollar amount, the use tax is subject to the same restriction, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Ward, Warren, White, and Wynne — 46.

The bill remains on the Calendar upon third reading.

H. B. 132, a bill to incorporate the Village of Clemmons in Forsyth County, subject to referendum, upon third reading.

The bill passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Ward, Warren, White, and Wynne — 47.

The bill is ordered enrolled.

H. B. 133, a bill to permit Onslow County to construct two vehicle crossovers to the beach strand on private property.

The bill passes its second and third readings and is ordered enrolled.

H. B. 139, a bill to amend Chapter 282 of the Session Laws of 1979 relating to the authority of the Board of Commissioners of Guilford County to delegate to the Guilford County Planning Board the authority to close public roads or easements.

The bill passes its second and third readings and is ordered enrolled.

H. B. 140, a bill to authorize the Board of Commissioners of Guilford County to appoint or designate a deputy clerk to the Board.

The bill passes its second and third readings and is ordered enrolled.

H. B. 175, a bill to allow cities and counties to expend local tax funds in support of the arts, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 1, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Noble, Palmer, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Ward, Warren, White, and Wynne — 45.

Voting in the negative: Senator Mills — 1.

The bill remains on the Calendar upon third reading.

H. B. 184, a bill to amend the Charter of the City of Charlotte to delete the residency requirements for department heads.

The bill passes its second and third readings and is ordered enrolled.

H. B. 203, a bill to permit professional boxing in the City of Greensboro. The bill passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 78, an act to extend the Mental Health Study Commission.

S. B. 81, an act to abolish the Board of Directors of the North Carolina Orthopedic Hospital and the Youth Services Advisory Committee.

S. B. 93, an act to consolidate various rulemaking and advisory groups under the North Carolina Division of Mental Health, Mental Retardation and Substance Abuse Services.

S. B. 98, an act to amend Article 2F of Chapter 122 of the General Statutes to provide for the representation of both alcohol and drug abuse interests on Area Mental Health, Mental Retardation and Substance Abuse Boards.

S. B. 107, an act to allow notice of public hearing on creation, extension or consolidation of a county or municipal service district to be given by any class of U. S. Mail.

H. B. 41, an act to extend handicapped parking privileges to vehicles displaying out-of-state license plates, placards or other evidence of handicap issued by the appropriate authority of the appropriate jurisdiction.

On motion of Senator Lawing, seconded by Senator Allsbrook, the Senate adjourns to meet tomorrow at 10:30 A.M.

THIRTY-THIRD DAY

SENATE CHAMBER,
Friday, February 27, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend John W. Redfern, Pastor of Norrington A.M.Z. Church, Lillington, as follows:

"Father of mercy, peace, and love, we come this morning humbly and devoutly before Thou throne; thanking You for yesterday's task, thanking You for last night's rest, thanking You for touching us this morning with mercy and love.

"Father, we thank You for bringing us together again this morning to begin the task of this day. Father, God, I pray that Thou will continue to bless our Governor, his Cabinet, and all persons connected. Bless this Senate Body, and all persons connected.

"Father, we pray that Thou will give, unto this Body, knowledge and wisdom, that they may legislate laws for the betterment of all persons, in this our great State of North Carolina.

"We pray this, in the Name of Jesus Christ Our Lord, Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senators Mathis and Harrington for today and to Senator Harrington for Monday, March 2. A leave of absence granted previously to Senator Walker is noted.

RE-REFERRALS

S. B. 130, a bill to direct the Legislative Research Commission to study equitable distribution of marital property.

On motion of Senator Lawing, the rules are suspended and the bill is taken from the **Rules and Operation of the Senate Committee** and re-referred to the **Appropriations Committee**.

S. J. R. 143, a joint resolution authorizing the Legislative Research Commission to continue to study the design, construction and inspection of public facilities.

On motion of Senator Lawing, the rules are suspended and the bill is taken from the **Rules and Operation of the Senate Committee** and re-referred to the **Appropriations Committee**.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harris for the **Human Resources Committee**:

S. B. 88, a bill to clarify the authority of local boards of health to impose fees, with a favorable report.

H. B. 170, a bill to authorize the establishment of a treatment facility for emotionally disturbed children, with a favorable report.

By Senator Lawing for the **Rules and Operation of the Senate Committee**:

S. J. R. 76, a joint resolution honoring the returned hostages and calling for all people to remember the prisoners of war of past wars and conflicts and urging the North Carolina Congressional Delegation to introduce legislation to extend benefits to the families of these heroes, with a favorable report.

S. B. 103, a bill to increase the size of the Advisory Budget Commission, with a favorable report.

S. J. R. 113, a joint resolution honoring the life and memory of Hugh A. Ragsdale, distinguished former member of the General Assembly, with a favorable report.

S. J. R. 124, a joint resolution honoring the life and memory of John Robbins McLaughlin, former member of the General Assembly, with a favorable report.

S. J. R. 125, a joint resolution honoring the life and memory of Pleas (Red) Lackey, former member of the General Assembly, with a favorable report.

S. B. 154, a bill to change the size of the Board of Transportation, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Noble:

S. B. 168, a bill to allow the Lumberton City School Administrative Unit to convey by private sale part or all of a tract of land to the United States or assigns for construction of a post office.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Noble:

S. B. 169, a bill confirming street assessments in the City of Lumberton.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Boger and Smith:

S. B. 170, a bill to extend the hours during which the intentional sweeping of game lands with lights and the intentional shining of lights on deer are prohibited in Rowan County.

Referred to **Natural and Economic Resources and Wildlife Committee**.

By Senators Jordan and Garrison:

S. B. 171, a bill to authorize the Town of Laurinburg to sell one parcel of land at private sale and to exempt sale of that and one other parcel from G. S. 14-234.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Marion and Duncan:

S. B. 172, a bill to incorporate the City of King.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Allred (By Request):

S. B. 173, a bill to ratify the proposed Equal Rights Amendment to the United States Constitution.

Referred to **Constitutional Amendments Committee**.

By Senators Jenkins, Mathis, Lawing, and McDuffie:

S. B. 174, a bill to prohibit deer hunting with centerfire rifles in Cabarrus County.

Referred to **Natural and Economic Resources and Wildlife Committee**.

By Senators White, Allsbrook, Daniels, Harrington, Swain, Marvin, Harris, Redman, Ballenger, Kincaid, Palmer, Thomas of Craven, Warren, Wynne, Baker, Smith, Boger, Cockerham, Mills, Hardison, Creech, Lawing, Gray, Jenkins, Soles, Allred, Walker, Thomas of Henderson, Clarke, Garrison, Jordan, McDuffie, Hancock, Ward, Barnes, and Vickery:

S. B. 175, a bill to exclude allotments from ad valorem taxation.

Referred to **Agriculture Committee**.

By Senators Cavanagh, Boger, Ballenger, and Redman:

S. B. 176, a bill requiring State contracts to include a provision that acceptance of the contracts constitutes agreement to appear before legislative committees without charge.

Referred to **State Government Committee**.

By Senators Raynor, Royall, Lawing, Jordan, Swain, Rauch, Harris, Harrington, Soles, Alford, Speed, Jenkins, White, Allsbrook, Mathis, McDuffie, Marion, Noble, Palmer, Cockerham, Daniels, Hardison, Garrison, Ward, Creech, Wynne, Barnes, Mills, Warren, Thomas of Henderson, Duncan, Redman, and Clarke:

S. B. 177, a bill to prohibit the spending of lapsed salary funds.

Referred to **Ways and Means Committee**.

By Senators Swain, Lawing, Harris, Royall, Palmer, Cockerham, Allred, Jenkins, Daniels, Thomas of Henderson, Clarke, Marion, Ballenger, Boger, Raynor, Warren, Smith, Soles, Harrington, Alford, Allsbrook, and White:

S. B. 178, a bill requiring that the selling and leasing of State land be by competitive bidding.

Referred to **State Government Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 233, a bill to provide that the mayor of the Town of Eureka shall serve a four-year term, and to provide that the town board of commissioners of the Town of Eureka shall serve staggered four-year terms.

Referred to **Local Government and Regional Affairs Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 118, a bill to amend G. S. 89C to increase fees and for clarification.

On motion of Senator Jordan, consideration of the bill is postponed until Thursday, March 5.

S. B. 133, a bill to increase the membership of the Private Protective Services Board by two.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 137, a bill to allow the Town of Mayodan to use the provisions of Chapter 136 of the General Statutes in condemnation proceedings, upon third reading.

The bill passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Hancock, Hardison, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Ward, Warren, White, Wright, and Wynne — 45.

The bill is ordered sent to the House of Representatives.

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H. B. 123, a bill defining the share of the surviving spouse under the laws of intestate succession.

On motion of Senator Soles, consideration of the bill is postponed until Wednesday, March 4.

H. B. 126, a bill to clarify that when the sales tax on an item is subject to a maximum dollar amount, the use tax is subject to the same restriction, upon third reading.

The bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Ward, Warren, White, Wright, and Wynne — 46.

The bill is ordered enrolled.

H. B. 175, a bill to allow cities and counties to expend local tax funds in support of the arts, upon third reading.

The bill passes its third reading by roll-call vote, ayes 45, noes 1, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Ward, Warren, White, Wright, and Wynne — 45.

Voting in the negative: Senator Allred — 1.

The bill is ordered enrolled.

H. B. 206, a bill to make clarifying amendments to G. S. 14-27.2 and G. S. 14-27.4.

On motion of Senator Allsbrook, consideration of the bill is postponed until Tuesday, March 3.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 39, Committee Substitute for **S. B. 39**, an act to require that application need only be made once for the Homestead Exemption for the elderly and disabled.

S. B. 55, an act to specifically include "Nursing Homes" within the definition of "Health Care Facilities" as contained in G. S. Chapter 131A, the Health Care Facilities Finance Act.

H. B. 43, Committee Substitute for **H. B. 43**, an act to amend Chapter VII of the Charter of the City of Charlotte relating to Uptown Development Projects.

H. B. 109, an act to establish the time for filing corporate income returns for certain partially exempt corporations.

H. B. 132, an act to incorporate the Village of Clemmons in Forsyth County, subject to referendum.

H. B. 133, an act to permit Onslow County to construct two vehicle crossovers to the beach strand on private property.

H. B. 139, an act to amend Chapter 282 of the Session Laws of 1979 relating to the authority of the Board of Commissioners of Guilford County to delegate to the Guilford County Planning Board the authority to close public roads or easements.

H. B. 140, an act to authorize the Board of Commissioners of Guilford County to appoint or designate a deputy clerk to the Board.

H. B. 184, an act to amend the Charter of the City of Charlotte to delete the residency requirements for department heads.

H. B. 203, an act to permit professional boxing in the City of Greensboro.

H. B. 275, an act to delay the effective date of the Fair Sentencing Act.

On motion of Senator Lawing, seconded by Senator Rauch, the Senate adjourns to meet Monday at 8:00 P.M.

THIRTY-FOURTH DAY

SENATE CHAMBER,
Monday, March 2, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Once more, O God, we gather in this place to begin a new week of work. Some of us are rested and refreshed by a weekend spent in leisure and in worship, but some of us are still harried and frazzled. Forgive us when we forget that You have ordained a rhythm of work and rest in life. There are so many tasks to be done and so little time in which to do them that we sometimes find ourselves running hard just to keep from falling further behind. Slow us down, Lord, and teach us to take time for ourselves. Help us to do Your will in our work and in our rest, that we may glorify You and enjoy You forever. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants a leave of absence to Senator Frye for tonight and for tomorrow, March 3. A leave of absence granted previously to Senator Harrington is noted.

The President recognizes the following pages serving in the Senate this week: Samuel Campen Barfield, Jr., Wilmington; Michael J. Bobula, Roanoke Rapids; Brandt Brown, Murfreesboro; Jane Elizabeth Carraway, Snow Hill; Celia Parker Darden, New Bern; Rhonda Elaine Denton, Louisburg; Tammy Lynn Emory, Swanquarter; Arthur "Lyle" Evans, Morehead City; Melissa Anne Geroock, Jacksonville; Karla Robbin Jones, Pikeville; Allan Joyce, Monroe; Edward Keen Lassiter, Dunn; Mary Margaret McMillan, Laurinburg; Kathy B. Mills, Maysville; Laura Regina Odom, Fremont; Floyd Phillips,

Jr., Southern Pines; Elisabeth Gardner Sledge, Cary; Ellen Yvonne Smithey, Garner; Robert F. Winfree, Jr., Charlotte; Lori Ann Wingate, Hookerton; and Nathan Carl Wolfe III, Burgaw.

WITHDRAWALS FROM COMMITTEE

H. J. R. 208, a joint resolution honoring the life and memory of John Robbins McLaughlin, former member of the General Assembly.

On motion of Senator Lawing the rules are suspended and the joint resolution is taken from the **Rules and Operation of the Senate Committee** and is placed on the Calendar for tonight, immediately preceding **S. J. R. 124**.

H. J. R. 209, a joint resolution honoring the life and memory of Pleas (Red) Lackey, former member of the General Assembly.

On motion of Senator Lawing the rules are suspended and the joint resolution is taken from the **Rules and Operation of the Senate Committee** and is placed on the Calendar for tonight, immediately preceding **S. J. R. 125**.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Gray for the **Senior Citizens Affairs Committee**:

S. B. 2, a bill to raise the income and property limits for the Homestead Exemption, and appropriating funds to pay the additional cost, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Gray, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Gray, the Committee Substitute bill is adopted, and on her further motion is re-referred to Finance Committee.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Palmer:

S. B. 179, a bill relating to the Board of Trustees of the Haywood County Hospital. Referred to **Local Government and Regional Affairs Committee**.

By Senators Jordan and Garrison:

S. B. 180, a bill to appropriate funds for a farmer's market in Montgomery County. Referred to **Agriculture Committee**.

By Senators White, Palmer, and Speed:

S. B. 181, a bill to appropriate funds to the Department of Agriculture for an addition to the Rollins Animal Disease Diagnostic Laboratory.

Referred to **Agriculture Committee**.

By Senators White, Palmer, and Speed:

S. B. 182, a bill to appropriate funds to the Department of Agriculture to provide for the testing of grain moisture meters.

Referred to **Agriculture Committee**.

By Senators White, Palmer, and Speed:

S. B. 183, a bill to appropriate funds to the Department of Agriculture for expansion of the Oxford Tobacco Research Station.

Referred to **Agriculture Committee**.

By Senators White, Palmer, and Speed:

S. B. 184, a bill to appropriate funds to the Department of Agriculture for repairs to the food distribution warehouse at Butner.

Referred to **Agriculture Committee**.

By Senator Hardison:

S. B. 185, a bill to appropriate funds to the Department of Cultural Resources for the Faison Historic Commission.

Referred to **Appropriations Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 176, a bill regarding the use of ABC law enforcement funds in Scotland County.

Referred to **Alcoholic Beverage Control Committee**.

H. B. 190, a bill to amend the Employment Security Law to conform with federal requirements, to make technical improvements and corrections, and to remove outdated and inconsistent provisions from the law.

Referred to **Manufacturing, Labor and Commerce Committee**.

H. B. 210, a bill to alter the distribution of profits of the Pittsboro ABC Board.

Referred to **Alcoholic Beverage Control Committee**.

H. B. 249, a bill to permit Machinery Act service of process by registered mail.

Referred to **Judiciary II Committee**.

H. B. 262, a bill to allow the Pender County Commissioners to provide for ABC law enforcement.

Referred to **Alcoholic Beverage Control Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. J. R. 76, a joint resolution honoring the returned hostages and calling for all people to remember the prisoners of war of past wars and conflicts and urging the North Carolina Congressional Delegation to introduce legislation to extend benefits to the families of these heroes.

Senator Redman offers Amendment No. 1 which is adopted, changing the title to read **S. J. R. 76**, a joint resolution calling for all people to remember the prisoners of war of past wars and conflicts, including the Iranian prisoners, and urging the North Carolina Congressional Delegation to introduce legislation to extend benefits to the families of these heroes.

The joint resolution, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 88, a bill to clarify the authority of local boards of health to impose fees.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 103, a bill to increase the size of the Advisory Budget Commission.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. J. R. 113, a joint resolution honoring the life and memory of Hugh A. Ragsdale, distinguished former member of the General Assembly.

The joint resolution passes its second and third readings and is ordered sent to the House of Representatives.

H. J. R. 208, a joint resolution honoring the life and memory of John Robbins McLaughlin, former member of the General Assembly.

The joint resolution passes its second and third readings and is ordered enrolled.

S. J. R. 124, a joint resolution honoring the life and memory of John Robbins McLaughlin, former member of the General Assembly.

On motion of Senator Redman, duly seconded, the joint resolution is postponed indefinitely.

H. J. R. 209, a joint resolution honoring the life and memory of Pleas (Red) Lackey, former member of the General Assembly.

The joint resolution passes its second and third readings and is ordered enrolled.

S. J. R. 125, a joint resolution honoring the life and memory of Pleas (Red) Lackey, former member of the General Assembly.

On motion of Senator Redman, duly seconded, the joint resolution is postponed indefinitely.

S. B. 154, a bill to change the size of the Board of Transportation.

The bill passes its second reading.

On objection of Senator Kincaid to its third reading the bill remains on the Calendar.

H. B. 170, a bill to authorize the establishment of a treatment facility for emotionally disturbed children.

The bill passes its second reading.

On objection of Senator Wright to its third reading the bill remains on the Calendar.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 64, an act amending G. S. 20-88(b)(4) to redefine farm products.

H. B. 126, an act to clarify that when the sales tax on an item is subject to a maximum dollar amount, the use tax is subject to the same restriction.

H. B. 175, an act to allow cities and counties to expend local tax funds in support of the arts.

On motion of Senator Lawing, seconded by Senator Mathis, the Senate adjourns to meet tomorrow at 1:30 P.M.

THIRTY-FIFTH DAY

SENATE CHAMBER,
Tuesday, March 3, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Almighty God, whose wisdom surpasses all that we can conceive; fill us with wisdom, intelligence, power and dedication for the tasks that You give us in this part of Your Kingdom. Without Your aid we know that we can accomplish nothing that will endure, but with Your power working in us we can achieve all things. Empty us, O God, of that which is vain, or temporal or lacking in justice, and fill us with humility, vision, and wisdom. Help us to be all that You have called us to be, that the glory and honor may belong to You. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants a leave of absence to Senator Marion for today.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 77, Committee Substitute for **H. B. 77**, a bill to rewrite Article 4 and certain sections of Article 3 of Chapter 115D of the General Statutes, Community College Laws.

Referred to **Higher Education Committee**.

H. B. 174, a bill to provide defense of employees and officers of area mental health, mental retardation and substance abuse authorities and of the agencies with which the area authority contracts for the provision of services.

Referred to **Human Resources Committee**.

H. J. R. 215, a joint resolution directing the North Carolina Department of Human Resources to conduct a recodification study of the Public Health Laws of North Carolina.

Referred to **Rules and Operation of the Senate Committee**.

H. J. R. 306, a joint resolution honoring the life and memory of Clyde Hampton Harriss, Sr.

Referred to **Rules and Operation of the Senate Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 100, a bill to amend G. S. 24-1.2 relating to installment loan rates, including second mortgages.

Without objection, the following Senators are excused from voting for the following reasons:

Senator Ballenger: "I am a bank director."

Senator Cockerham: "Bank Director."

Senator White: "Conflict of interest."

On motion of Senator Mills, Committee Amendment No. 1 is adopted.

Senator Vickery offers Amendment No. 2.

Senator Garrison calls the previous question, duly seconded. The call is not sustained.

Senator Harrington offers a motion that the bill, as amended, and pending Amendment No. 2, be recommitted to the **Banking Committee**, which motion he subsequently withdraws.

Senator Vickery calls the previous question, duly seconded. The call is sustained.

Amendment No. 2 is adopted.

Senator Vickery offers Amendment No. 3 which he subsequently withdraws.

Senator Jenkins offers Amendment No. 4 which is adopted.

Senator Mathis offers Amendment No. 5 which fails of adoption.

Senator McDuffie offers Amendment No. 6 which fails of adoption.

Senator Palmer offers Amendment No. 7 which fails of adoption.

The bill, as amended, passes its second reading.

Upon objection of Senator Vickery and on motion of Senator Allsbrook, the bill, as amended, is placed on the Calendar for Thursday, March 5.

S. B. 101, a bill to amend G. S. 24-1.1 relating to contract loan rates.

On motion of Senator Garrison, consideration of the bill is postponed until Thursday, March 5.

S. B. 154, a bill to change the size of the Board of Transportation, upon third reading.

Senator Kincaid offers Amendment No. 1 which is adopted.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives.

H. B. 170, a bill to authorize the establishment of a treatment facility for emotionally disturbed children, upon third reading.

Senator Harris offers Amendment No. 1 which is adopted.

The bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 206, a bill to make clarifying amendments to G. S. 14-27.2 and G. S. 14-27.4.

On motion of Senator Soles, consideration of the bill is postponed until tomorrow, March 4.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 65, an act to repeal a restriction in the Charter of the City of Dover concerning spirituous liquors.

H. J. R. 208, a joint resolution honoring the life and memory of John Robbins McLaughlin, former member of the General Assembly.

H. J. R. 209, a joint resolution honoring the life and memory of Pleas (Red) Lackey, former member of the General Assembly.

On motion of Senator Lawing, seconded by Senator Harrington, the Senate adjourns to meet tomorrow at 1:30 P.M.

THIRTY-SIXTH DAY

SENATE CHAMBER,
Wednesday, March 4, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Jesse F. Alberty, Sr., Chaplain, North Carolina American Legion Department, Greensboro as follows:

"Almighty God, our Heavenly Father in whom we live and move and have our being, without whom we can do nothing, grant Thy blessings and protection upon our great State, and its legislators. Give to them a sense of Thy presence that they may be guided by Thy wisdom and supported by Thy strength. We humbly ask Thee to be with these lawmakers assembled here today, as they face the problems and the difficulties of an uncertain future.

"We ask Thy blessing upon Lt. Governor Jimmy Green, as he presides over this great Body of lawmakers. Give him wisdom, knowledge, strength, and courage to lead this assembly in a way that will be pleasing in Thy sight. Be with them all in their deliberations; give to them the grace to think what is right, and be their guide and counselor as they work for the good of our State, and its people. All this we ask in Jesus' name. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants a leave of absence to Senator Cockerham for today and to Senators Jernigan and Johnson for tomorrow and Friday, March 5 and 6.

S. B. 100, a bill to amend G. S. 24-1.2 relating to installment loan rates, including second mortgages.

On motion of Senator Mills, the rules are suspended and the bill is taken from the Calendar for Thursday, March 5 and is placed on the Calendar for Tuesday, March 10.

March 4, 1981

S. B. 101, a bill to amend G. S. 24-1.1 relating to contract loan rates.

On motion of Senator Mills, the rules are suspended, and the bill is taken from the Calendar for Thursday, March 5 and is placed on the Calendar for Tuesday, March 10.

RE-REFERRAL

S. B. 36, a bill to allow the City of Lumberton to grant prior service credits in the North Carolina Local Governmental Employees' Retirement System to employees for previous service as part-time or volunteer firemen.

On motion of Senator Jenkins, the rules are suspended and the bill is taken from the **Pensions and Retirement Committee** and re-referred to the **Appropriations Committee**.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator White for the **Agriculture Committee**:

S. B. 111, a bill to amend the General Statutes of North Carolina relating to the promotion of agriculture research and dissemination of findings, with a favorable report.

By Senator Duncan for the **Finance Committee**:

S. B. 2, Committee Substitute for **S. B. 2**, a bill to raise the income and property limits for the Homestead Exemption, and appropriating funds to pay the additional cost, with a favorable report.

On motion of Senator Duncan, the Committee Substitute bill is re-referred to the **Appropriations Committee**.

S. B. 157, a bill to continue in effect Chapter 1298 of the 1977 Session Laws relative to the designation of funds to political parties by individual taxpayers, with a favorable report.

S. B. 161, a bill to allow the Town of Fairmont to collect on motor vehicles a tax of not more than five dollars, with a favorable report, as amended.

H. B. 64, a bill to make technical and clarifying corrections to Schedule B of the Revenue Act to reflect substantive changes made by the General Assembly, with a favorable report, as amended.

H. B. 68, a bill to exempt from property taxation "bill and hold" goods owned by nonresidents and held for shipment, with a favorable report.

H. B. 130, a bill to make the effective date of the individual income tax provision for the sale of principal residence by the elderly the same as the federal provision, with a favorable report.

On motion of Senator Duncan, the bill is placed on the Calendar for Tuesday, March 10.

By Senator Wynne for the **Higher Education Committee**:

S. B. 31, a bill to limit members of local community college and technical institute boards of trustees to one term, with an unfavorable report.

By Senator Marion for the **Local Government and Regional Affairs Committee**:

S. B. 168, a bill to allow the Lumberton City School Administrative Unit to convey by private sale part or all of a tract of land to the United States or assigns for construction of a post office, with a favorable report.

S. B. 169, a bill confirming street assessments in the City of Lumberton, with a favorable report.

S. B. 171, a bill to authorize the Town of Laurinburg to sell one parcel of land at private sale and to exempt sale of that and one other parcel from G. S. 14-234, with a favorable report, as amended.

S. B. 172, a bill to incorporate the City of King, with a favorable report.

H. B. 233, a bill to provide that the mayor of the Town of Eureka shall serve a four-year term, and to provide that the town board of commissioners of the Town of Eureka shall serve staggered four-year terms, with a favorable report.

By Senator Jenkins for the **Pensions and Retirement Committee**:

S. B. 8, a bill to permit members of the Teachers' and State Employees' Retirement System to purchase credit for prior temporary nonstudent State service, with an unfavorable report.

S. B. 155, a bill to separate the activities of the House and Senate Committees on Pensions and Retirement, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Wright, Cavanagh, and Baker:

S. B. 186, a bill to require that the Board of Governors of the University of North Carolina set aside a certain percentage of scholarship appropriations for incentive scholarships.

Referred to **Higher Education Committee**.

By Daniels, Harrington, Alford, Royall, Hardison, Speed, Allsbrook, and McDuffie:

S. J. R. 187, a joint resolution joining Governor James B. Hunt, Jr., in urging the National Park Service to save the Historic Cape Hatteras Lighthouse.

Referred to **Rules and Operation of the Senate Committee**.

By Senators Jordan, Harris, Gray, and Harrington:

S. B. 188, a bill to rewrite Article 8D of Chapter 105 of the General Statutes governing the taxation of savings and loan associations in North Carolina.

Referred to **Finance Committee**.

By Senator Wright:

S. B. 189, a bill to allow New Hanover County and its municipalities to refuse to issue beer and wine licenses.

Referred to **Alcoholic Beverage Control Committee**.

By Senators Clarke and Swain:

S. B. 190, a bill to provide that the Buncombe County Board of Education shall be elected in the first primary by a modified election and runoff method.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Wright:

S. B. 191, a bill to allow New Hanover County and municipalities in that County to prohibit or regulate the possession and consumption of beer and wine.

Referred to **Alcoholic Beverage Control Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 123, a bill to amend the requirements for a supervisor of elections and the procedure for termination of such employment, for concurrence in the House Committee Substitute bill.

Referred to **Election Laws Committee**.

H. B. 172, Committee Substitute for **H. B. 172**, a bill to clarify the procedure for purging voter registration records.

Referred to **Election Laws Committee**.

H. J. R. 201, a joint resolution to extend the study on school pupil transportation.

Referred to **Rules and Operation of the Senate Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H. B. 123, a bill defining the share of the surviving spouse under the laws of intestate succession.

The bill passes its second and third readings and is ordered enrolled.

H. B. 206, a bill to make clarifying amendments to G. S. 14-27.2 and G. S. 14-27.4. Senator Allsbrook offers Amendment No. 1 which is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

On motion of Senator Lawing, seconded by Senator Wynne, the Senate adjourns to meet tomorrow at 1:30 P.M.

THIRTY-SEVENTH DAY

SENATE CHAMBER,

Thursday, March 5, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

March 5, 1981

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Teach us to sing a new song, O Lord: A song of joy, of freedom, of hope. Around us daily are the noisy alarms of war, of oppression, of prejudice, and inequality. Help us to sing, in a quiet way, so that people may know that there is triumph as well as defeat in life; that there can be peace instead of war; that justice can reign in the place of oppression. We who are your servants and your singers ask for vision and courage not for our sake, but for the good we may be able, with your help, to do for all your children. Do not let us become noisy gongs or clanging cymbals, but, in love, sing sweetly a new song for a new day. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senators McDuffie and Thomas of Craven for today and to Senators McDuffie and Mathis for tomorrow, March 6. Leaves of absence granted previously to Senators Jernigan and Johnson are noted.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Allsbrook for the **Judiciary I Committee**:

H. B. 146, Committee Substitute for **H. B. 146**, a bill to require reporting of positive tuberculosis tests by laboratories, with a favorable report, as amended.

By Senator Soles for the **Judiciary II Committee**:

S. B. 167, a bill to make certain changes in the effect of the Judicial Standards Act's removal of judges, with a favorable report.

H. B. 249, a bill to permit Machinery Act service of process by registered mail, with a favorable report.

By Senator Creech for the **Judiciary III Committee**:

S. B. 24, Committee Substitute for **S. B. 24**, a bill for equitable distribution of marital property, with an unfavorable report as to bill, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Creech, the rules are suspended and the Committee Substitute bill No. 2 is placed before the Senate for immediate consideration.

On motion of Senator Creech, Committee Substitute No. 2 is adopted, and on his further motion is placed on the Calendar for Friday, March 6.

By Senator Lawing for the **Rules and Operation of the Senate Committee**:

S. J. R. 4, a joint resolution calling for the Legislative Research Commission to study the annexation laws, with a favorable report.

On motion of Senator Lawing, the joint resolution is re-referred to the **Appropriations Committee**.

H. J. R. 15, a joint resolution directing the Legislative Research Commission to continue to study the Revenue Laws of the State of North Carolina, with a favorable report.

On motion of Senator Lawing, the joint resolution is re-referred to the **Appropriations Committee**.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Vickery:

S. B. 192, a bill to repeal the penalty for willfully conducting nontestimonial identification procedures.

Referred to **Judiciary II Committee**.

By Senator Vickery:

S. J. R. 193, a joint resolution to establish the procedure for nominating and electing members of the Board of Governors of the University of North Carolina.

Referred to **University Board of Governors Committee**.

By Senators Vickery and Wright:

S. B. 194, a bill to clarify which vehicles may be equipped with sirens or warning devices.

Referred to **Judiciary II Committee**.

By Senators Johnson, Wynne, Creech, Garrison, Jordan, and Wright:

S. J. R. 195, a joint resolution honoring the life and memory of Shearon Harris, a former member of the General Assembly.

Referred to **Rules and Operation of the Senate Committee**.

By Senators Boger and Smith:

S. B. 196, a bill to provide that the Davie County Board of Education shall be elected on a partisan basis.

Referred to **Local Government and Regional Affairs Committee**.

By Senators White, Palmer, Speed, Daniels, and Harrington:

S. B. 197, a bill to appropriate funds to the Department of Agriculture to improve gas and oil inspection.

Referred to **Agriculture Committee**.

By Senators White, Palmer, Speed, Daniels, Harrington, and Warren:

S. B. 198, a bill to appropriate funds to the Department of Agriculture for a sweet potato facility at the Clinton Research Station.

Referred to **Agriculture Committee**.

By Senators White, Palmer, Speed, Daniels, and Harrington:

S. B. 199, a bill to appropriate funds to the Department of Agriculture for replacement of barns and farm equipment at State farms.

Referred to **Agriculture Committee**.

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By Senators White, Palmer, Speed, Daniels, and Harrington:

S. B. 200, a bill to appropriate funds to the Department of Agriculture for market development for North Carolina agricultural products.

Referred to **Agriculture Committee**.

By Senators White, Palmer, Speed, Daniels, and Harrington:

S. B. 201, a bill to appropriate funds to the Department of Agriculture to meet increased demand for soil, plant and nematode advisory services.

Referred to **Agriculture Committee**.

By Senators Kincaid, Redman, Allred, Baker, Wright, and Cavanagh:

S. B. 202, a bill to provide that when a municipality annexes an area and does not provide all services, it must prorate taxes.

Referred to **Finance Committee**.

By Senators Creech, Johnson, and Mills:

S. B. 203, a bill to exempt certain property and income of a North Carolina debtor from the claims of creditors.

Referred to **Small Business Committee**.

By Senator Allred:

S. B. 204, a bill to increase uniform jail fees.

Referred to **Judiciary II Committee**.

By Senators Jenkins, Thomas of Craven, and Noble:

S. B. 205, a bill to clarify the amount of weekly benefits under the Workers' Compensation Act.

Referred to **Manufacturing, Labor and Commerce Committee**.

By Senators Jenkins, Thomas of Craven, and Noble:

S. B. 206, a bill to extend time limitations for filing asbestosis, silicosis, and lead poisoning cases.

Referred to **Manufacturing, Labor and Commerce Committee**.

By Senators Jenkins, Thomas of Craven, and Noble:

S. B. 207, a bill to clarify provisions regarding payment of medical expenses in occupational disease cases.

Referred to **Manufacturing, Labor and Commerce Committee**.

By Senators Jenkins, Thomas of Craven, and Noble:

S. B. 208, a bill to provide for interest to run on Workers' Compensation awards.

Referred to **Manufacturing, Labor and Commerce Committee**.

By Senators Jenkins, Thomas of Craven, and Noble:

S. B. 209, a bill to change the current Homestead Exemption to provide an exemption from ad valorem taxation to all North Carolina residents and an additional exemption for elderly or disabled residents.

Referred to **Finance Committee**.

By Senators Speed and Alford:

S. B. 210, a bill to appropriate funds for a grant-in-aid to the Person Place Preservation Society, Inc., in Franklin County for the rehabilitation of the Person Place.

Referred to **Appropriations Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 99, a bill to permit military practitioners to write prescriptions for military members and dependents, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow, March 6.

H. B. 183, a bill to permit the City of Charlotte to increase its parking penalties.
Referred to **Local Government and Regional Affairs Committee**.

H. B. 238, a bill to extend time to start third-party suit.
Referred to **Judiciary II Committee**.

H. B. 266, a bill to raise the reporting requirement in the event of a motor vehicle collision.

Referred to **Judiciary II Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 111, a bill to amend the General Statutes of North Carolina relating to the promotion of agriculture research and dissemination of findings, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 46.

The bill remains on the Calendar upon third reading.

S. B. 118, a bill to amend G. S. 89C to increase fees and for clarification.

Senator Mills offers Amendment No. 1 which is adopted.

The bill passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 155, a bill to separate the activities of the House and Senate Committees on Pensions and Retirement.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 157, a bill to continue in effect Chapter 1298 of the 1977 Session Laws relative to the designation of funds to political parties by individual taxpayers.

On motion of Senator Walker, the bill is re-referred to the **Ways and Means Committee**.

March 5, 1981

S. B. 161, a bill to allow the Town of Fairmont to collect on motor vehicles a tax of not more than five dollars, upon second reading.

On motion of Senator Noble, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 43, noes 2, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hardison, Harrington, Harris, Jenkins, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, Mills, Noble, Palmer, Rauch, Redman, Smith, Soles, Speed, Swain, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 43.

Voting in the negative: Senators Hancock and Royall — 2.

The bill, as amended, remains on the Calendar upon third reading.

S. B. 168, a bill to allow the Lumberton City School Administrative Unit to convey by private sale part or all of a tract of land to the United States or assigns for construction of a post office.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 169, a bill confirming street assessments in the City of Lumberton, upon second reading.

The bill passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daneils, Duncan, Frye, Garrison, Gray, Hancock, Harrington, Harris, Jordan, Kincaid, Marion, Marvin, Mathis, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Speed, Swain, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 41.

The bill remains on the Calendar upon third reading.

S. B. 171, a bill to authorize the Town of Laurinburg to sell one parcel of land at private sale and to exempt sale of that and one other parcel from G. S. 14-234.

On motion of Senator Soles, Committee Amendment No. 1 is adopted.

The bill passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 172, a bill to incorporate the City of King, upon second reading.

The bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jordan, Kincaid, Lawing, Marion, Mathis, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 44.

The bill remains on the Calendar upon third reading.

H. B. 64, a bill to make technical and clarifying corrections to Schedule B of the Revenue Act to reflect substantive changes made by the General Assembly, upon second reading.

On motion of Senator Rauch, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 45.

The bill, as amended, remains on the Calendar upon third reading.

H. B. 68, a bill to exempt from property taxation "bill and hold" goods owned by nonresidents and held for shipment.

On motion of Senator Duncan, consideration of the bill is postponed until Wednesday, March 11.

H. B. 233, a bill to provide that the mayor of the Town of Eureka shall serve a four-year term, and to provide that the town board of commissioners of the Town of Eureka shall serve staggered four-year terms.

The bill passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 123, an act defining the share of the surviving spouse under the laws of intestate succession.

On motion of Senator Lawing, seconded by Senator White, the Senate adjourns to meet tomorrow at 10:30 A.M.

THIRTY-EIGHTH DAY

SENATE CHAMBER,
Friday, March 6, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Safely through another week!
Please now send us home at last,
While these laws among us made
Bring relief, and that right fast!

"We are all Your servants meek
Tempting to but understand
How our service, bold and true,
May bring justice to this land.

"Take, we pray, our lives in trust.
Mold and shape, reform our wills.
But while we at home do rest,
Let no harm come to our bills.

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"Guard them from those grimplins who,
Challenged by our quest for truth
Work in cloakroom, hall and lobby
To undo our deeds, forsooth!

"When we shall return at last
To resume our work anew,
Remind us that, as time goes past,
Virtue will receive its due."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants a leave of absence to Senator Mills for today and to Senator Jordan for Monday, March 9. Leaves of absence granted previously to Senators McDuffie, Johnson, Jernigan and Mathis are noted.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harris for the **Human Resources Committee**:

The Senate Human Resources Committee acknowledges receipt of a report from the Division of Services for the Blind and the Department of Public Instruction as directed by the 1979 General Assembly in Joint House Resolution 1338.

Copies of these reports are contained in the minutes of the Senate Human Resources Committee and will become a part of the 1981 Committee Minutes.

H. B. 214, a bill to delete the requirement that teachers and other school employees receive an annual examination for tuberculosis, with a favorable report.

By Senator Allsbrook for the **Judiciary I Committee**:

H. B. 92, a bill to prohibit a minor mother from marrying if her child has died, with a favorable report, as amended.

By Senator Lawing for the **Rules and Operation of the Senate Committee**:

S. R. 70, a Senate resolution adopting the permanent rules of the Senate for the 1981 Session of the General Assembly of North Carolina, with recommendation for adoption, as amended.

On motion of Senator Lawing, the Senate resolution is placed on the Calendar for Tuesday, March 10.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Garrison and Redman:

S. B. 211, a bill to amend G. S. 136-89.56 to provide for the establishment of logos on controlled access highways.

Referred to **Transportation Committee**.

By Senator Garrison:

S. B. 212, a bill to amend G. S. 136-28.1 to require all contracts over thirty thousand dollars for highway construction or repair to be let on bids.

Referred to **Transportation Committee**.

By Senators Harris, Royall, Hardison, Lawing, Garrison, Jordan, Johnson, and Balenger:

S. B. 213, a bill to amend G. S. 25A-15 relating to rates for consumer credit.

Referred to **Banking Committee**.

By Senator Marion:

S. B. 214, a bill to authorize the City of Mount Airy to dispose of certain real property by private negotiation and sale.

Referred to **Local Government and Regional Affairs Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 67, a bill to equalize between married persons the right to income, possession, and control in property owned concurrently in tenancy by the entirety.

Referred to **Judiciary III Committee**.

H. B. 131, a bill to require school buses to stop at all railroad grade crossings.

Referred to **Education Committee**.

H. B. 272, a bill to amend the Charter of the City of Greensboro, as revised and reorganized by Chapter 1137 of the Session Laws of 1959, as amended, by adding provisions relating to public accommodations, fair housing and equal employment.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 302, a bill to amend G. S. 20-296 to permit notice by certified mail.

Referred to **Transportation Committee**.

H. B. 318, a bill to authorize the Dare County Community Center to convey its assets to Dare County.

Referred to **Local Government and Regional Affairs Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 24, Committee Substitute No. 2 for **S. B. 24**, a bill for equitable distribution of marital property.

Senator Swain offers a motion that the Committee Substitute bill No. 2 be placed on the Calendar for Wednesday, March 11.

Senator Hardison requests a fiscal note.

The motion offered by Senator Swain prevails and the Committee Substitute bill No. 2 is placed on the Calendar for March 11.

S. B. 99, a bill to permit military practitioners to write prescriptions for military members and dependents, for concurrence in House Amendment No. 1.

On motion of Senator Raynor, the Senate concurs in House Amendment No. 1 and the bill is ordered enrolled.

S. B. 111, a bill to amend the General Statutes of North Carolina relating to the promotion of agriculture research and dissemination of findings, upon third reading.

Senator White moves that the vote by which the bill passed its second reading be reconsidered, which motion prevails.

On motion of Senator White, the bill is re-referred to the **Finance Committee**.

S. B. 161, a bill to allow the Town of Fairmont to collect on motor vehicles a tax of not more than five dollars, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 42, noes 1, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Frye, Garrison, Gray, Hardison, Harrington, Harris, Jenkins, Jordan, Kincaid, Lawing, Marvin, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 42.

Voting in the negative: Senator Hancock — 1.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S. B. 167, a bill to make certain changes in the effect of the Judicial Standards Act's removal of judges.

Senator Speed offers Amendment No. 1 which is adopted.

The bill, as amended, passes its second reading.

On objection of Senator Cavanagh to its third reading the bill, as amended, remains on the Calendar.

S. B. 169, a bill confirming street assessments in the City of Lumberton, upon third reading.

The bill passes its third reading by roll-call vote, ayes 38, noes 2, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Daniels, Frye, Garrison, Gray, Hardison, Harrington, Harris, Jenkins, Jordan, Kincaid, Lawing, Marvin, Noble, Palmer, Rauch, Raynor, Redman, Smith, Soles, Speed, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 38.

Voting in the negative: Senators Hancock and Royall — 2.

The bill is ordered sent to the House of Representatives.

S. B. 172, a bill to incorporate the City of King, upon third reading.

The bill passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Frye, Garrison, Gray,

Hancock, Hardison, Harrington, Harris, Jenkins, Jordan, Kincaid, Lawing, Marvin, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wynne — 41.

The bill is ordered, without objection, sent to the House of Representatives by Special Messenger.

H. B. 64, a bill to make technical and clarifying corrections to Schedule B of the Revenue Act to reflect substantive changes made by the General Assembly, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jordan, Kincaid, Lawing, Marvin, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Ward, Warren, White, Wright, and Wynne — 41.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 146, Committee Substitute for **H. B. 146**, a bill to require reporting of positive tuberculosis tests by laboratories.

On motion of Senator Allsbrook, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 249, a bill to permit Machinery Act service of process by registered mail.

The bill passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 52, an act to abolish the Asheville Boxing and Wrestling Commission and to exempt the City of Asheville from certain provisions of the General Statutes relating to prize fighting.

S. B. 104, an act to increase fees of the North Carolina Board of Pharmacy.

S. B. 105, an act to allow the Town of Broadway to convey by private sale a tract of land to the United States or assigns for construction of a post office.

S. B. 106, an act to allow the Town of Battleboro to collect on motor vehicles a tax of not more than five dollars.

H. B. 233, an act to provide that the mayor of the Town of Eureka shall serve a four-year term, and to provide that the town board of commissioners of the Town of Eureka shall serve staggered four-year terms.

On motion of Senator Lawing, seconded by Senator Barnes, the Senate adjourns to meet Monday at 8:00 P.M.

March 6, 1981

THIRTY-NINTH DAY

SENATE CHAMBER,
Monday, March 9, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Honorable Marvin Ward, Senator from Forsyth County.

Senator Royall for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

A leave of absence granted previously to Senator Jordan is noted.

The President extends courtesies of the gallery to Mrs. Clyde L. Ball, widow of the former Legislative Services Officer, and to his children.

The President recognizes the following pages serving in the Senate this week: Celeste Barnette, Raleigh; Kathryn Tart Britt, Roanoke Rapids; Heather Sue Cairns, Chapel Hill; Christal Burgess, Raleigh; Alice Browning Connelly, Charlotte; Beatrice Joan Davis, Kinston; Ruth Nelson Davis, Greensboro; Julie E. Ellis, Chapel Hill; Theresa Ann Foss, Banner Elk; Bonita L. Grove, Hendersonville; Mary Elizabeth Higdon, Kinston; Katherine A. Koch, Chapel Hill; Mary Kate Miller, Wilkesboro; Dawn Morris, Kings Mountain; Barbara Ellen Poe, Kinston; Laura Raiford, Raleigh; Wendy Renee Sellars, Greensboro; Susan Jennifer Shoaf, Fairview; Lisa T. Van Eaton, Greensboro; Evelyn Rose Vines, Greensboro; and Marsha Diane West, Lumberton.

RE-REFERRALS

S. B. 100, a bill to amend G. S. 24-1.2 relating to installment loan rates, including second mortgages.

On motion of Senator Mills the bill is taken from the Calendar for Tuesday, March 10 and recommitted to the **Banking Committee**.

S. B. 101, a bill to amend G. S. 24-1.1 relating to contract loan rates.

On motion of Senator Mills the bill is taken from the Calendar for Tuesday, March 10 and recommitted to the **Banking Committee**.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Lawing:

S. J. R. 215, a joint resolution honoring the life and memory of Clyde Lowell Ball.

On motion of Senator Lawing, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger.

March 9, 1981

By Senators Harrington and Boger:

S. B. 216, a bill to raise the limit on the amount that may be contributed to a political campaign.

Referred to **Election Laws Committee**.

By Senators Thomas of Henderson and Vickery:

S. B. 217, a bill to amend Chapter 58 of the General Statutes to provide for the continuing professional education and training of insurance agents in order to improve the quality of insurance services to the public.

Referred to **Insurance Committee**.

By Senators Ballenger and Redman:

S. B. 218, a bill to allow the City of Newton to use the provisions of Chapter 136 of the General Statutes in condemnation proceedings.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Ballenger and Redman:

S. B. 219, a bill to allow the Town of Maiden to use the provisions of Chapter 136 of the General Statutes in condemnation proceedings.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Allsbrook and Swain:

S. B. 220, a bill to require counties and municipalities to contract for liability insurance.

Referred to **Insurance Committee**.

By Senator Allred:

S. B. 221, a bill to allow Alamance County to exempt itself from the Intangibles Tax.

Referred to **Finance Committee**.

By Senator Thomas of Henderson (By Request):

S. B. 222, a bill to provide a continuing stable means of support for the Polk Soil and Water Conservation District.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Wright:

S. B. 223, a bill to provide that no area in New Hanover County may be annexed unless the municipality annexing certifies it has a certified solid waste disposal site and system.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Vickery and Walker:

S. B. 224, a bill to revise and consolidate the Charter of the Town of Southern Pines and to repeal prior local acts.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Hardison, Royall, Lawing, Vickery, Marvin, Harrington, Soles, Jordan, White, Palmer, Barnes, Daniels, Harris, Swain, Noble, Jenkins, Walker, Thomas of Henderson, Speed, Raynor, Redman, Warren, Hancock, Thomas of Craven, Smith,

Cavanagh, Rauch, Alford, Ballenger, Ward, Garrison, Allred, Boger, Kincaid, Duncan, Gray, Baker, and Allsbrook:

S. B. 225, a bill to establish the North Carolina Firemen's and Rescue Squad Workers' Pension Fund.

Referred to **Pensions and Retirement Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 49, a bill to provide that the city manager of the City of Hendersonville need not become a resident of that City, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow, March. 10.

H. B. 124, a bill to reinstate the common law on agricultural tenancies in Halifax County.

Referred to **Judiciary I Committee**.

H. B. 187, a bill to require a permit from the Charlotte Fire Department for pyrotechnics exhibitions within the city limits.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 188, a bill relating to the letting of public contracts by the City of Charlotte.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 225, a bill to allow the City of River Bend Plantation to levy ad valorem taxes for the remainder of the 1980-81 fiscal year.

Referred to **Finance Committee**.

H. B. 228, a bill to prohibit annexation into Davie County by any governmental unit located outside of Davie County, and to prohibit annexation of noncontiguous territory within Davie County.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 246, a bill to allow Onslow County to transfer county personal property to a volunteer fire department or volunteer rescue squad.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 337, a bill relating to the Board of Trustees of the Haywood County Hospital.

Referred to **Local Government and Regional Affairs Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 167, a bill to make certain changes in the effect of the Judicial Standards Act's removal of judges, as amended, upon third reading.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives.

H. B. 92, a bill to prohibit a minor mother from marrying if her child has died.

On motion of Senator Allsbrook, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

March 9, 1981

H. B. 214, a bill to delete the requirement that teachers and other school employees receive an annual examination for tuberculosis.

The bill passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 99, an act to permit military practitioners to write prescriptions for military members and dependents.

H. B. 170, an act to authorize the establishment of a treatment facility for emotionally disturbed children.

H. B. 249, an act to permit Machinery Act service of process by registered mail.

On motion of Senator Lawing, seconded by Senator Palmer, the Senate adjourns in memory of Clyde L. Ball, former Legislative Services Officer, to meet tomorrow at 1:30 P.M.

FORTIETH DAY

SENATE CHAMBER,
Tuesday, March 10, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Father in Heaven; in seeking after truth we often seem to be walking a tightrope, trying to keep a safe balance between arrogance that claims to know it all, and agonizing self doubt that paralyzes us with fear. Help us, by Your Spirit, to find that right sense of balance that will enable us to be careful and sure in the decisions we make, and assure us of Your watchful presence when we fall. Especially we pray for the men and women of this Senate as they make decisions which affect the lives of all the people of North Carolina. Help them to balance order with freedom, and justice with compassion, that they may lead us safely and triumphantly toward Your Kingdom. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

RE-REFERRALS

S. B. 220, a bill to require counties and municipalities to contract for liability insurance.

On motion of Senator Mathis, the rules are suspended and the bill is taken from the Insurance Committee and re-referred to the Judiciary I Committee.

S. B. 223, a bill to provide that no area in New Hanover County may be annexed unless the municipality annexing certifies it has a certified solid waste disposal site and system.

The President directs that the bill be taken from the **Local Government and Regional Affairs Committee** and re-referred to the **Natural and Economic Resources and Wildlife Committee**.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Noble for the **Alcoholic Beverage Control Committee**:

H. B. 210, a bill to alter the distribution of profits of the Pittsboro ABC Board, with a favorable report.

H. B. 262, a bill to allow the Pender County Commissioners to provide for ABC law enforcement, with a favorable report.

By Senator Soles for the **Judiciary II Committee**:

H. B. 99, Committee Substitute for **H. B. 99**, a bill to exempt members of certain boards of education under certain circumstances from the conflict of interest provisions of G. S. 14-234, G. S. 14-236 and G. S. 14-237, with a favorable report, as amended.

H. B. 238, a bill to extend time to start third-party suit, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Walker:

S. B. 226, a bill to provide for the Department of Natural Resources and Community Development to charge admission fees to the North Carolina Zoological Park.
Referred to **Finance Committee**.

By Senator Smith:

S. B. 227, a bill to allow the County of Rowan to follow the General Law concerning local development in G. S. 158-7.1 and G. S. 158-7.2.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Cavanagh:

S. B. 228, a bill to provide that no city in Forsyth County may annex under Parts 2 or 3 of the Annexation Law unless approved by a referendum of both the municipality and the affected area voting as one prior to adoption of a resolution of intent.

Referred to **Rules and Operation of the Senate Committee**.

By Senator Vickery:

S. B. 229, a bill to extend the time for Orange County reappraisal appeals.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Allred:

S. B. 230, a bill to provide that no annexation or extension of extraterritorial powers may take place in Alamance County if a majority of the freeholders object.

Referred to **Rules and Operation of the Senate Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 94, a bill to exclude from gross income for income tax purposes the first fifteen hundred dollars of compensation paid for service in reserve components of the armed forces.

Referred to **Finance Committee**.

H. B. 153, a bill to amend Chapter 1436 of the 1957 Session Laws, relating to the Currituck County Game Act.

Referred to **Natural and Economic Resources and Wildlife Committee**.

H. B. 245, a bill to extend the corporate limits of the Town of Bath in Beaufort County.

Referred to **Rules and Operation of the Senate Committee**.

H. J. R. 320, a joint resolution joining Governor James B. Hunt, Jr. in urging the National Park Service to save the Historic Cape Hatteras Lighthouse.

Referred to **Rules and Operation of the Senate Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 49, a bill to provide that the city manager of the City of Hendersonville need not become a resident of that City, for concurrence in House Amendment No. 1.

On motion of Senator Thomas of Henderson, the Senate concurs in House Amendment No. 1 and the bill is ordered enrolled.

S. R. 70, a Senate resolution adopting the permanent rules of the Senate for the 1981 Session of the General Assembly of North Carolina.

On motion of Senator Lawing, Committee Amendments No. 1, 2, 3, 4, 5, and 6 are adopted.

Senator Cockerham offers Amendment No. 7 which fails of adoption.

Senator Royall offers Amendment No. 8 which is adopted.

On motion of Senator Lawing, the Senate resolution, as amended, is adopted by the following electronically recorded vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Kincaid, Lawing, Marion, Marvin, Mathis, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 48.

The text of the Senate resolution is as follows:

**PERMANENT RULES OF THE 1981 SENATE
GENERAL ASSEMBLY OF NORTH CAROLINA**

- I. Order of Business, Rules 1-7
- II. Conduct of Debate, Rules 8-17
- III. Motions, Rules 18-24
- IV. Voting, Rules 25-30
- V. Committees, Rules 31-37
- VI. Handling Bills, Rules 38-59
- VII. Legislative Officers and Employees, Rules 60-65
- VIII. General Rules, Rules 66-77

I. Order of Business

RULE 1. Rules controlling the Senate of North Carolina and its committees. — The following rules shall govern and control all actions and procedures of the Senate and its committees.

RULE 2. Convening hour. — The President shall take the Chair at the hour fixed by the Senate upon adjournment on the preceding legislative day, and shall call the members to order. In case the Senate adjourned on the preceding legislative day without having fixed the hour of reconvening, the Senate shall reconvene on the next legislative day at 1:30 P.M.

RULE 3. Opening the session. — The President shall, upon order being obtained, have the sessions of the Senate opened with prayer.

RULE 4. Convening in absence of President — In the absence of the President, the President Pro Tempore shall reconvene the Senate and preside, and during such time shall be vested with all powers of the President except that of casting a vote in case of tie when he has already voted on the question as a Senator. In the event of the absence of the President and President Pro Tempore at any time fixed for the reconvening of the Senate, the Principal Clerk of the Senate, or in his absence also, some member of the Senate Committee on Rules and Operation of the Senate, shall call the Senate to order and designate some member to act as President.

RULE 5. Quorum. — (a) A quorum consists of a majority of all the qualified members of the Senate.

(b) When a lesser number than a quorum convene, the Senators present may send the doorkeeper or any person, for any or all absent Senators, as a majority of the Senators present determine.

RULE 6. Approval of Journal. — After the prayer, and upon appearance of a quorum, the President shall cause the Journal of the preceding day to be read and approved, unless the Chairman of the Committee on Rules and Operation of the Senate or some member of the Senate by motion sustained by a majority of the members present, has the reading thereof dispensed with and the same approved as written.

RULE 7. Order of business. — After approval of the Journal, the order of business shall be as follows:

- (1) Reports of standing committees.
- (2) Reports of select committees.
- (3) Introduction of bills, petitions, and resolutions.
- (4) Messages from the House of Representatives.
- (5) Unfinished business of preceding day.
- (6) Special orders.
- (7) General orders:
 - (a) Local bills in numerical order, Senate bills first
 - (i) Third reading roll call and electronic voting system votes
 - (ii) Second reading roll call and electronic voting system votes
 - (iii) Second reading *viva voce*
 - (iv) Third reading *viva voce*
 - (b) Public bills in numerical order, Senate bills first
 - (i) Third reading roll call and electronic voting system votes
 - (ii) Second reading roll call and electronic voting system votes
 - (iii) Second reading *viva voce*
 - (iv) Third reading *viva voce*.

II. Conduct of Debate

RULE 8. President to maintain order. — The President shall have general direction of the Hall of the Senate and shall be authorized to take such action as is necessary to maintain order, and in case of any disturbance or disorderly conduct in the galleries or lobbies, he shall have the power to order those areas cleared.

RULE 9. Substitution for President. — The President shall have the right to call on any member to perform the duties of the Chair, but substitution shall not extend beyond one day.

RULE 10. Points of order. — (a) The President shall preserve order and decorum and proceed with the business of the Senate according to the rules adopted. He shall decide all questions of order, subject to an appeal to the Senate by any member, on which appeal no member shall speak more than once unless by leave of the Senate. A two-thirds vote of the membership of the Senate is necessary to sustain any appeal from the ruling of the Chair.

(b) In the event the Senate Rules do not provide for, or cover any point of order raised by any Senator, the rules of the United States House of Representatives shall govern.

(c) When a Senator is called to order he shall take his seat until the President determines whether he was in order or not; if decided to be out of order, he shall not proceed without the permission of the Senate; and every question of order shall be decided by the President, subject to an appeal to the Senate by any Senator; and if a Senator is called to order for words spoken, the words excepted to shall be immediately taken down in writing, that the President or Senate may be better able to judge the matter.

RULE 11. Debating and voting by Lieutenant Governor. — The Lieutenant Governor, as President of the Senate, being a Constitutional Officer shall not have the right to debate any question or to address the Senate upon any proposition unless by permission of the majority of members present, and shall have the right to vote only when there is a tie vote upon any question or election.

RULE 12. Obtaining recognition. — (a) When any Senator is about to speak in debate or deliver any matter to the Senate, he shall rise from his seat and respectfully address the President. No member shall speak further until recognized by the President, and when two or more members rise at the same time, the President shall name the member to speak.

(b) A Senator who has the floor may yield the floor to another Senator only for the purpose of allowing another Senator to state a question. Only the Chair may award the floor to any Senator for the purposes of allowing that Senator to engage in general debate.

(c) A Senator who has obtained the floor may be interrupted only for the following reasons:

1. a request that the member speaking yield for a question,
2. a point of order, or
3. a parliamentary inquiry.

RULE 13. Recognition for extending courtesies. — (a) Courtesies of the floor and galleries shall be extended only by the President on his own motion or upon the written request of a member of the Senate to former members of the General Assembly or to distinguished visitors.

(b) Members may designate Honorary Pages by a statement delivered to the Principal Clerk who will have a certificate issued therefor.

(c) The President may upon written request at intervals between various orders of business extend courtesies to schools or other special large groups visiting in the galleries while they are present, and the President shall, at such times as he deems appropriate, express to those visitors in the galleries the pleasure of the Senate for their presence.

RULE 14. Limitations on individual debate. — (a) No Senator shall speak on the same day more than twice on the main question, nor longer than thirty minutes for the first speech and fifteen minutes for the second speech. No Senator shall speak on the same day more than once on an amendment or a motion to reconsider, commit, appeal or postpone, and then no longer than ten minutes. The Senate may, by consent of a majority of the Senators present, suspend the operation of this subsection of this rule during any debate on any particular question.

(b) By permission of the President any member of the Senate may address the Senate from the lectern located on the floor before the dais for the purpose of explaining a bill or resolution, stating a point of personal privilege or for the purpose of debate.

RULE 15. Priority of business. — All questions relating to priority of business shall be decided without debate.

RULE 16. Reading of papers. — When the reading of a paper, other than a petition, is called for, and any Senator objects to the reading, the question shall be determined by the Senate without debate.

RULE 17. General decorum. — (a) Male Senators and male visitors shall uncover their heads upon entering the Senate Chamber while the Senate is in session and shall continue uncovered during their continuance in the Chamber, unless one's religion requires his head to be covered.

(b) No remark reflecting personally upon the action of any Senator shall be in order upon the floor of the Senate unless preceded by a motion or resolution of censure.

(c) When the President is putting a question, or a division by counting is in progress, no Senator shall walk out of or across the Chamber, nor when a Senator is speaking, pass between him and the President.

(d) When a motion to adjourn or for recess is affirmatively determined, no member or officer shall leave his place until adjournment or recess is declared by the President.

(e) Smoking shall not be allowed in the galleries of the Senate during sessions.

(f) No remark soliciting the donation of funds for the support of any person or organization shall be in order upon the floor of the Senate, unless the remark has some relevance to a bill or resolution before the body.

III. Motions

RULE 18. Motions generally. — All motions shall be reduced to writing, if desired by the President or a Senator, delivered at the table, and read by the President or Reading Clerk before the same are debated; but any motion may be withdrawn by the introducer at any time before decision or amendment. Except as otherwise specifically provided in these rules, no second is required.

RULE 19. Motions; order of precedence. — When a question is before the Senate no motion shall be received except those herein specified, which motions shall have precedence as follows:

- (1) To adjourn.
- (2) To lay on the table.
- (3) For the previous question.
- (4) To postpone indefinitely.
- (5) To postpone to a certain day.
- (6) To commit to a standing committee.
- (7) To commit to a select committee.
- (8) To amend.
- (9) To substitute.

RULE 20. Motions to adjourn and to lay on the table. — The motions to adjourn and to lay on the table shall be seconded and decided without debate, and the motion to adjourn shall always be in order when made by a Senator entitled to the floor.

RULE 21. Motions to postpone to certain day and to commit. — The respective motions to postpone to a certain day, or to commit to a standing or select committee, shall preclude debate on the main question.

RULE 22. Action when previous question pending. — When a motion for the previous question is made and is pending, debate shall cease. After a motion for the previous question is made, pending a second thereto, any member may give notice that he desires to offer an amendment to the bill or other matter under consideration; and after the previous question is seconded such member shall be entitled to offer his amendment in pursuance of such notice.

RULE 23. Motion for previous question. — The previous question shall be as follows: "Shall the main question be now put?" and until it is decided shall preclude all amendments and debate. If this question is decided in the affirmative, the "main question" shall be on the passage of the bill, resolution, or other matter under consideration; but when amendments are pending, the question shall be taken upon such amendments in their inverse order, without further debate or amendment: Provided, that no one shall move the

previous question except the chairman of the committee submitting the report on the bill or other matter under consideration, or the member introducing the bill or other matter under consideration, or the member in charge of the measure, who shall be designated by the chairman of the committee reporting the same to the Senate at the time the bill or other matter under consideration is reported to the Senate or taken up for consideration.

RULE 24. Motion to reconsider. — When a question has been once put and decided, any Senator who voted in the majority may move to reconsideration thereof; but no motion for the reconsideration of any vote shall be in order after the bill, resolution, message, report, amendment, or motion upon which the vote was taken has gone out of the possession of the Senate; nor shall any motion for reconsideration be in order unless made on the same day or in the next following legislative day on which the vote proposed to be reconsidered took place, unless the motion is made by the Committee on Rules and Operation of the Senate for verbal or grammatical errors in the bills, when the motion may be made at any time: Provided, that when the next legislative day has by motion of the Senate, been restricted as to matters which may be considered, a motion to reconsider shall be in order on the next succeeding day upon which regular business is conducted. No question shall be reconsidered more than once.

IV. Voting

RULE 25. Use of electronic voting system. — (a) Votes on the following questions shall be taken on the electronic voting system, and the ayes and noes shall be recorded on the Journal:

- (1) All questions on which the Constitution of North Carolina requires that the ayes and noes be taken and recorded on the Journal.
- (2) All questions on which a call for the ayes and noes under Rule 26(b) has been sustained.
- (3) Both second and third readings of bills proposing amendment of the Constitution of North Carolina.

(b) Votes on the following questions shall be taken on the electronic voting system, and a copy of the machine print-out of the votes shall be filed in the Legislative Library where it shall be open to public inspection:

- (1) Second reading of all public bills, all amendments to public bills offered after second reading, third reading if a public bill was amended after second reading, and all conference reports on public bills.
- (2) Any other question upon direction of the Chair or upon motion of any Senator supported by one-fifth of the Senators present.

(c) When the electronic voting system is used, the Chair shall fix and announce the time, not to exceed one minute, which shall be allowed for voting on the question before the Senate. The system shall be set to lock automatically and to record the vote when that time has expired. Once the system has locked and recorded a vote, the vote shall be printed by the system.

(d) The voting station at each Senator's desk in the Chamber shall be used only by the Senator to which the station is assigned. Under no circumstances shall any other person vote at a Senator's station. It is a breach of the ethical obligation of a Senator either to request that another vote at the requesting Senator's station, or to vote at another Senator's station. The Chair shall enforce this rule without exception.

(e) When the electronic voting system is used, the Chair shall state the question and shall then state substantially the following: "All in favor vote 'aye'; all opposed vote 'no'; _____ seconds will be allowed for voting on this question; the Clerk will unlock the machine." After the machine locks and records the vote, the Chair shall announce the vote and declare the result.

(f) One copy of the machine print-out of the vote record shall be filed in the office of the Principal Clerk, and one copy shall be filed in the Legislative Library where it shall be open to public inspection.

(g) When the Chair ascertains that the electronic voting system is inoperative before a vote is taken or while a vote is being taken on the electronic system, he shall announce that fact to the Senate and any partial electronic system voting record shall be voided. In such a case, if the Constitution of North Carolina or the Rules of the Senate require a call of the ayes and noes, the Clerk shall call the roll of the Senate, and the ayes and noes shall be taken manually and shall be recorded on the Journal. All other votes shall be taken by voice vote as prescribed in Senate Rule 26(a). If, after a vote is taken on the electronic system, it is discovered that a malfunction caused an error in the electronic system print-out, the Chair shall direct the Reading Clerk and the Principal Clerk to verify and correct the print-out record and so advise the Senate.

(h) For the purpose of identifying motions on which the vote is taken on the electronic system (the identification codes having no relation to the order of precedence of motions), the motions are coded as follows:

1. To lay on the table.
2. For the previous question.
3. To postpone indefinitely.
4. To postpone to a day certain.
5. To refer to a committee.
6. To reconsider.
7. To adopt.
8. To concur.
9. To take from the table.
10. Miscellaneous.

RULE 26. Voice votes; call for ayes and noes. — (a) When the electronic voting system is not used, all votes on which a call of the roll of the Senate is not required shall be taken by voice vote. The question shall be put as follows: "Those in favor say 'aye'," and, after the affirmative vote is expressed, "Opposed 'no' "; after which the Chair shall announce the result. If a division on any vote is desired, it must be called for immediately before the result of the voting is announced on any question, and upon such call, the Chair shall require the members to stand and be counted for and against the proposition under consideration.

(b) The ayes and the noes may be called for on any question before the vote is taken. If a Senator desires the ayes and noes recorded on the Journal on a question, he shall address the Chair and obtain recognition and say, "Upon that question I call for the ayes and noes." Whereupon the Chair shall say, "Is the call sustained?" If one-fifth of the Senators present then stand, the vote shall be taken on the electronic voting system if it is operative, and the ayes and noes shall be recorded on the Journal. If the electronic voting system is inoperative, the roll of the Senate shall be called and the ayes and noes taken manually and recorded on the Journal. If fewer than one-fifth of the Senators present stand to sustain the call, the Chair shall announce, "An insufficient number up" and a vote by electronic voting or by voice, whichever is appropriate under the Rules of the Senate, shall be taken.

RULE 27. Pairs. — If a Senator is paired with another Senator on a question, the Senator shall announce the pair as follows: "Mr. President, I desire to announce a pair. If Senator _____ were present, he would vote _____; I would vote _____ (the opposite)." The Senator shall send forward at that time a written statement of the pair on a form provided by the Principal Clerk and neither member of the pair shall vote on the question. A pair shall be announced before the vote is taken *viva voce*, or if the electronic voting system is used, before the machine is unlocked. The Clerk shall record the pair on the Journal when the Constitution or Rules of the Senate require a call of the roll and shall record on the electronic system print-out all pairs announced.

RULE 28. Dividing question. — If any question contains several distinct propositions, it shall be divided by the President, at the request of any Senator, provided each subdivision, if left to itself, forms a substantive proposition.

RULE 29. Duty to vote; excuses. — (a) Every Senator who is within the bar of the Senate when the question is stated by the Chair shall vote thereon unless he is excused by the Senate. The bar of the Senate shall include the entire Senate Chamber.

(b) Any Senator may request to be excused from voting, either immediately before or after the vote has been called for and before a *viva voce* vote result has been announced or before the electronic voting system has been unlocked. The Senator may make a brief statement of the reasons for making such request, and shall send forward to the Principal Clerk, on a form provided by the Clerk, a concise statement of the reason for the request, and the Clerk shall include this statement in the Journal. The question on granting of the request shall be taken without debate.

RULE 30. Explanation of vote. — Any Senator may explain his vote on any bill pending by obtaining permission of the President after the final vote is taken: Provided, that not more than three minutes shall be consumed in such explanation.

RULE 30.1. Questions of personal privilege. — Upon recognition by the President for that purpose, any Senator may speak to a question of personal privilege for a time not exceeding three minutes. Personal privilege may not be used to explain a vote or debate a bill. The President shall determine if the question raised is one of privilege and shall, without the point of order being raised, enforce this rule.

V. Committees

RULE 31. Appointment of committees. — (a) The President of the Senate, unless he has by law disqualified himself from that office, shall have the exclusive right and authority to appoint all committees, regular or select, and to appoint committee chairmen and vice-chairmen, but he may delegate said authority in any instance, as he may choose. Upon the recommendation of the Committee on Rules and Operation of the Senate, the Senate may authorize, by majority vote of the Senators present and voting, a change in the number of standing committees.

(b) The President of the Senate shall appoint all standing committees at the beginning of the session.

RULE 32. List of standing committees. — The standing committees shall be:

- Agriculture
- Alcoholic Beverage Control
- Appropriations
- Appropriations Committee on Education
- Appropriations Committee on General Government

Appropriations Committee on Human Resources
Appropriations Committee on Justice and Public Safety
Appropriations Committee on Natural and Economic Resources and Wildlife
Banking
Base Budget
Constitutional Amendments
Courts and Judicial Districts and Criminal Justice
Economy
Education
Election Laws
Finance
Higher Education
Human Resources
Insurance
Judiciary I
Judiciary II
Judiciary III
Law Enforcement and Crime Control
Local Government and Regional Affairs
Manufacturing, Labor and Commerce
Natural and Economic Resources and Wildlife
Pensions and Retirement
Public Utilities and Energy
Redistricting—Congressional
Redistricting—Senate
Rules and Operation of the Senate
Senior Citizens Affairs
Small Business
State Government
Transportation
University Board of Governors
Veterans and Military Affairs
Ways and Means

RULE 33. Notice of committee meetings. — (a) Public notice of all committee meetings shall be given in the Senate. The required notice may be waived as to any meeting by the attendance at that meeting of all of the members of the committee, or by personal waiver.

(b) The chairman of the committee shall notify or cause to be notified the sponsor of each bill which is set for hearing or consideration before the committee as to the date, time and place of that meeting.

RULE 34. Membership of committees; quorum. — Membership on standing committees shall consist of not more than 22 or less than 8 Senators, including the chairman and vice-chairman who shall be designated by the President; provided, the committee membership on the Appropriations Committee, Finance Committee, and Ways and Means Committee shall not be limited as to membership but shall be left to the discretion of the President. No Senator shall hold membership on more than 12 standing committees unless the Rules and Operation of the Senate Committee provides otherwise. A quorum of the Appropriations, Finance, or Ways and Means Committee shall consist of a majority of the committee. A quorum of any other committee shall consist of either the chairman and five members or a majority of the committee, whichever is fewer.

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RULE 35. (Reserved for future use.)

RULE 36. Committee meetings. — No committee or subcommittee shall hold a secret meeting, and all meetings of committees and subcommittees shall be open to the public: Provided, that any committee or subcommittee has the inherent right to hold an executive session when it determines that it is absolutely necessary to have such a session in order to prevent personal embarrassment, or when it is in the best interest of the State; and in no event shall final action be taken by any committee or subcommittee except in open session.

RULE 36.1. Committee minutes to Legislative Library. — The chairman of a committee shall insure that written minutes are compiled for each of the committee's meetings. The minutes shall indicate the number of members present and the actions taken by the committee at the meeting. Not later than 20 days after the adjournment of each session of the General Assembly, the chairman, except the chairman of the Appropriations, Finance, or Ways and Means Committee, shall deliver the minutes to the Legislative Library. The President Pro Tempore of the Senate may grant a reasonable extension of time for filing said minutes upon application of the committee chairman.

RULE 37. (Reserved for interim operations rule).

VI. Handling Bills

RULE 38. Construction of rules. — All provisions of these rules applying to bills shall apply also to resolutions, memorials and petitions.

RULE 39. Form and copies of bills. — (a) Unless variation is authorized by the Committee on Rules and Operation of the Senate, bills submitted for introduction shall be in a computer-typed form prepared by the Legislative Services Office. When a bill which is introduced is not in the prescribed form, the Principal Clerk shall cause the bill to be retyped in the prescribed form, and the retyped copy shall become the official copy of the bill for all purposes. The original bill shall then be returned to the introducer of the bill and shall not become a part of the records or documents of the Senate.

(b) Whenever a bill is introduced, 20 copies shall be submitted to the Principal Clerk. Any bill submitted without the required number of copies shall be immediately returned to the introducer.

RULE 39.1. Public and local bills; availability of copies of bills. — A public bill is a bill affecting 15 or more counties. A local bill is one affecting fewer than 15 counties. No public bill and, upon objection by a member, no local bill may be considered unless copies of the bill have been made available to the entire membership of the Senate.

RULE 40. Introduction of bills. — (a) Every bill filed for introduction shall contain on the outside cover the title of the document and the name of the Senator or Senators presenting it. Bills shall be delivered by the primary sponsor of the document or with the prescribed authorization form signed by the primary sponsor to the office of the Senate Principal Clerk who shall receive them during regular session according to the following schedule:

Monday until 8:30 o'clock P.M.;

Tuesday, Wednesday, and Thursday until 4:00 o'clock P.M.;

Friday until 3:00 o'clock P.M.

All bills shall be numbered by the Office of the Principal Clerk when filed and shall be considered introduced when presented to the Senate on the next following legislative day for the first reading and reference to committee.

(b) Filing of bills during the interim shall be under the direction of the Rules and Operation of the Senate Committee as approved by the Senate.

(c) All celebration, commendation, and commemoration resolutions, except those honoring the memory of deceased persons, shall be excluded from introduction in the Senate if the House has a substantially similar rule on these resolutions.

RULE 41. Deadline on introduction of certain bills. — All bills prepared to be introduced by departments, agencies or institutions of the State must be introduced in the Senate not later than April 1 of the session. All local bills must be introduced not later than April 1 of the session. All resolutions, except those honoring the memory of deceased persons, must be introduced not later than April 1 of the session.

RULE 41.1. Relationship between Ways and Means Committee and other committees dealing with money matters; relationship between these other committees dealing with money matters. — The Committee on Ways and Means shall have responsibility for final consideration of bills dealing with money matters before the bills are considered on the floor of the Senate. All bills referred by the President to the Committee on Appropriations, the Committee on Finance, and the Committee on Economy shall be referred by the chairman of the respective committee to the Committee on Ways and Means for consideration before the bills go to the floor of the Senate, except that bills referred to the Appropriations or Finance Committees may be reported directly back to the floor with the agreement of the Chairmen of the Ways and Means, Appropriations, and Finance Committees. Bills referred to the Committee on Appropriations by the President may be referred by the Chairman of the Committee on Appropriations to the Appropriations Committee on Human Resources, Appropriations Committee on Education, Appropriations Committee on General Government, Appropriations Committee on Justice and Public Safety, Appropriations Committee on Natural and Economic Resources and Wildlife, or the Committee on Base Budget for a report back to the Committee on Appropriations.

RULE 42. References of appropriations and finance bills. — All bills introduced in the Senate providing for appropriations from the State, or any subdivision thereof, shall, before being considered by the Senate, be referred to the Committee on Appropriations, and bills referred to other committees carrying any such provisions shall be reported to the Senate as being bills to be referred to the Appropriations Committee before proper action may be taken by the Senate. All bills introduced in the Senate providing for bond issues, levying taxes, or in any manner affecting the taxing power of the State or any subdivision thereof, shall, before being considered by the Senate, be referred to the Committee on Finance, and bills referred to other committees carrying any such provisions shall be reported to the Senate as being bills to be referred to the Finance Committee before proper action may be taken by the Senate.

RULE 42.1. Fiscal notes. — (a) The chairman or vice-chairman of the Appropriations Committee, of the Finance Committee or of the Rules Committee, or of the Ways and Means Committee, upon the floor of the Senate, may request that a fiscal analysis be made of a bill, resolution or an amendment to a bill or resolution which is in the possession of the Senate and that a fiscal note be attached to the measure, when in the opinion of that chairman or vice-chairman the fiscal effects of that measure are not apparent from the language of the measure.

(b) The fiscal note shall be filed and attached to the bill or amendment within two legislative days of the request. If it is impossible to prepare a fiscal note within two legislative days, the Director of Fiscal Research shall, in writing, so advise the Presiding Officer, the Principal Clerk, and the member introducing or proposing the measure and shall indicate the time when the fiscal note will be ready.

(c) The fiscal note shall be prepared by the Fiscal Research Division on a form approved by the Rules Committee as to content and form and signed by the staff member or members preparing it. If no estimate in dollars is possible, the fiscal note shall indicate the reasons that no estimate is provided. The fiscal note shall not comment on the merit but may identify technical problems. The Fiscal Research Division shall make the fiscal note available to the membership of the Senate.

(d) A sponsor of a bill or amendment may deliver a copy of his bill or amendment to the Fiscal Research Division for the preparation of a fiscal note. Prior to the filing of the bill or proposing of the amendment, the Fiscal Research Division, except to the sponsor, shall keep in confidence the identity of the sponsor. The sponsor shall attach the fiscal note to the bill when he files the bill or to the amendment when he moves its adoption.

(e) The sponsor of a bill or amendment to which a fiscal note is attached who objects to the estimates and information provided may reduce to writing his objections. These objections shall be appended to the fiscal note attached to the bill or amendment and to the copies of the fiscal note available to the membership.

(f) Subsection (a) of this rule shall not apply to the current operations appropriations bill or the capital improvements appropriations bill. This rule shall not apply to a bill or amendment requiring an actuarial note under these rules.

RULE 42.2. Actuarial notes. — (a) Every bill or resolution proposing any change in the law relative to any State-administered retirement or pension system shall have attached to it at the time of its consideration by any committee a brief explanatory statement or note which shall include a reliable estimate of the financial and actuarial effect of the proposed change to that retirement or pension system. The actuarial note shall be attached to the jacket of each proposed bill or resolution which is reported favorably by any committee, shall be separate therefrom, and shall be clearly designated as an actuarial note.

(b) The sponsor of the bill or resolution shall present a copy of the measure, with his request for an actuarial note, to the Fiscal Research Division which shall prepare the actuarial note as promptly as possible but not later than two weeks after the request is made. Actuarial notes shall be prepared in the order of receipt of request and shall be transmitted to the sponsor of the measure. The actuarial note of the Fiscal Research Division shall be prepared and signed by an actuary.

(c) The sponsor of the bill or resolution shall also present a copy of the measure to the chief administrative officer of the retirement or pension system affected by the measure. The chief administrative officer shall have an actuarial note prepared by the system's actuary on the measure and shall transmit the note to the sponsor of the measure not later than two weeks after the request is received. The actuarial note shall be attached to the jacket of the measure.

(d) The note shall be factual and shall, if possible, provide a reliable estimate of both the immediate effect and, if determinable, the long range fiscal and actuarial effect of the measure. If, after careful investigation, it is determined that no dollar estimate is possible, the note shall contain a statement to that effect, setting forth the reasons why no dollar estimate can be given. No comment or opinion shall be included in the actuarial note with regard to the merits of the measure for which the note is prepared. Technical and mechanical defects in the measure may be noted.

(e) When any committee reports a measure to which an actuarial note is attached at the time of committee consideration, with any amendment of such nature as would substantially affect the cost to or the revenues of any retirement or pension system, the chairman of the committee reporting the measure shall obtain from the Fiscal Research Division an actuarial note of the fiscal and actuarial effect of the proposed amendment. The actuarial note shall be attached to the jacket of the measure. An amendment to any bill or resolution shall not be in order if the amendment affects the costs to or the revenues of a State-administered retirement or pension system, unless the amendment is accompanied by an actuarial note, prepared by the Fiscal Research Division, as to the actuarial effect of the amendment.

(f) The Fiscal Research Division shall make all relevant actuarial notes available to the membership of the Senate.

RULE 43. First reading; reference to committee. — All bills filed, upon presentation to the Senate, shall be read in regular order of business by their number and title which shall constitute the first reading of the bill and unless otherwise disposed of, the President or Presiding Officer shall announce the referral of the document. The title and referral shall be entered on the Journal.

RULE 44. Bills to receive three readings. — Every bill shall receive three readings previous to being passed, and the President shall give notice at each whether it be the first, second, or third. After the first reading, unless a motion is made by some Senator, the President shall refer the bill to an appropriate committee. No bill shall be amended upon the floor of the Senate until it has been twice read. Senate simple resolutions shall not require three readings.

RULE 45. Reports of committees. — Every Senator presenting a report of a committee shall endorse the report with the name of the committee and, in case of a minority report, with the names of the members making the report. The report of the committee shall show that a majority of the committee were present and voted. Every report of the committee upon a bill or resolution shall stand upon the general orders with the bill or resolution. No committee shall report a bill or resolution without prejudice.

RULE 45.1. Action on amendment before re-referral. — If any committee recommends adoption of an amendment or committee substitute of a bill which, under the rules of the Senate must be referred to the Committee on Appropriations or Committee on Finance, the amendment or committee substitute shall be considered and, if adopted, the amendment or substitute engrossed before the bill is re-referred.

RULE 46. Unfavorable report by committee. — (a) All bills reported unfavorably by the committee to which they were referred, and having no minority report, shall lie upon the table, but may be taken from the table, and placed upon the calendar by a two-thirds vote of the membership of the Senate.

(b) When a bill is reported by a committee with an unfavorable report, but accompanied by a minority report, signed by at least three members of the committee who were present and who voted on the bill when the bill was considered in committee, then the minority report shall be placed on the calendar and considered the following day, and the question before the Senate shall be "The adoption of the Minority Report". If the minority report is adopted by a majority vote, the bill shall be placed upon the calendar; if the minority report is not adopted, the bill shall lie upon the table.

RULE 47. Recall of bill from committee. — When a bill has been introduced and referred to a committee, if after 10 days the committee has failed to report thereon, then the author of the bill may, after three days' public notice given in the Senate and delivered in writing to the chairman of the committee, on motion supported by a vote of two-thirds of the membership of the Senate, recall the bill from the committee to the floor of the Senate for consideration and such action thereon as a majority of the Senators present may direct. This rule shall not be temporarily suspended without one day's notice on the motion given in the Senate and delivered in writing to the chairman of the committee and to sustain that motion two-thirds of the membership of the Senate shall be required.

RULE 48. Calendar; order to be followed. — The President and the Principal Clerk of the Senate shall see that all bills are acted upon by the Senate in the order in which they stand upon the calendar, unless otherwise ordered as hereinafter provided. The published calendar shall include all bills reported favorably from committees, or reported with a minority report attached, or placed on the calendar on motion: **Provided**, that the published local calendar may carry the number of each bill, the county or counties referred to, and an abbreviated statement of the title of the bill.

RULE 49. Considering bills out of regular order. — Except as provided in Rule 50, any bill or other matter may be taken up out of order upon order of the President or upon motion sustained by a majority of the membership of the Senate.

RULE 50. Third reading requirements. — No bill on its third reading shall be acted upon out of the regular order in which it stands on the calendar, and no bill shall be acted upon on its third reading the same day on which it passed its second reading, unless so ordered by two-thirds of the membership of the Senate.

RULE 51. Special orders. — Any bill or other matter may be made a special order for a particular day or hour by a vote of the majority of the Senators voting, and if action on the bill is not completed on that day, it shall be returned to its place on the calendar, unless it is made a special order for another day; and when a special order is under consideration it shall take precedence over any special order or subsequent order for the day, but such subsequent order may be taken up immediately after the previous special order has been disposed of.

RULE 52. Procedure when necessary number of Senators not present. — If, on taking the question on a bill, it appears that a constitutional quorum is not present, or if the bill requires a vote of a certain proportion of all the Senators to pass it, and it appears that such number is not present, the bill shall be again read and the question taken thereon; if the bill fails a second time for the want of the necessary number being present and voting, the bill shall not be finally lost, but shall be returned to the calendar in its proper order.

RULE 53. Effect of defeated bill. — (a) After a bill has been tabled, has failed to pass on any of its readings, or has been placed on the unfavorable calendar, the contents of such bill or the principal provisions of its subject matter shall not be embodied in any other measure. Upon the point of order being raised and sustained by the Chair, such measure shall be laid upon the table, and shall not be taken therefrom except by a vote of two-thirds of the qualified membership of the Senate: **Provided**, no local bill shall be held by the Chair as embodying the provisions, or being identical with any statewide measure which has been laid upon the table or failed to pass any of its readings.

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(b) When a bill has been postponed indefinitely by the Senate, the bill shall lie upon the table, and shall not be taken therefrom except by a vote of two-thirds of the membership of the Senate.

RULE 54. Taking bill from table. — No bill which has been laid upon the table shall be taken therefrom except by a vote of two-thirds of the membership of the Senate.

RULE 54.1. Bill title. — The title of each bill shall adequately and fairly reflect its subject matter.

RULE 55. Amending titles of bills. — When a bill is materially modified or the scope of its application extended or decreased, or if the county, or counties, to which it applies is changed, the title of the bill shall be changed by the Senator introducing the bill or by the committee having it in charge, or by the Principal Clerk, so as to indicate the full purport of the bill as amended and the county or counties to which it applies.

RULE 56. Corrections of typographical errors in bills. — The Enrolling Clerk is authorized to make corrections of typographical errors in the text of bills at any time prior to ratification. Before the correction is made, the Enrolling Clerk shall have the approval of the Chairman of the Committee on Rules and Operation of the Senate.

RULE 57. Conference committees. — Whenever the Senate declines or refuses to concur in amendments put by the House to a bill originating in the Senate, or refuses to adopt a substitute adopted by the House for a bill originating in the Senate, a conference committee shall be appointed upon motion and the bill under consideration shall thereupon go to and be considered by the joint conferees on the part of the Senate and House. In considering matters in difference between the Senate and House committed to the conferees, only such matters as are in difference between the two houses shall be considered by the conferees, and the conference report shall deal only with such matters. The conference report shall not be amended. Except as herein set out, the rules of the United States House of Representatives shall govern the appointment, conduct, and reports of the conferees.

RULE 57.1. Amendments and committee substitutes adopted by the House to bills originating in the Senate. — (a) Whenever the House has adopted an amendment or a committee substitute for a bill originating in the Senate, and has returned the bill to the Senate for concurrence in that amendment or committee substitute, the Senate may not concur in that amendment or committee substitute until the next legislative day following the day on which the Senate receives that measure.

(b) The Presiding Officer may, and upon motion supported by a majority of the Senate present and voting, shall refer the bill to an appropriate committee for consideration of the amendment or committee substitute.

(c) The Presiding Officer shall, in placing the bill on the calendar, rule whether the amendment or committee substitute is a material amendment under Article II, Section 23, of the State's Constitution. If the measure was referred to committee, the committee shall:

- i. report the bill with the recommendation either that the Senate concur or that the Senate do not concur; and
- ii. advise the Presiding Officer as to whether or not the amendment or committee substitute is a material amendment under Article II, Section 23, of the State's Constitution.

(d) If the amendment or committee substitute for a bill is not a material amendment, the question before the Senate shall be concurrence.

(e) If the amendment or committee substitute for a bill is a material amendment, the receiving of that bill on messages shall constitute first reading and the question before the House shall be concurrence on second reading. If the motion is passed, the question then shall be concurrence on third reading on the next legislative day.

(f) No committee substitute adopted by the House to a bill originating in the Senate may be amended by the Senate.

RULE 58. Certification of passage of bills. — The Principal Clerk shall certify the passage of bills by the Senate, with the date thereof, together with the fact whether passed by vote of three-fifths or two-thirds of the Senate, whenever such vote may be required by the Constitution or laws of the State.

RULE 59. Transmittal of bills to House. — No bill shall be sent from the Senate on the day of its passage except on the last day of the session, unless otherwise ordered by a vote of two-thirds of the membership of the Senate.

RULE 59.1. Engrossment. — Bills and resolutions, except those making appropriations, which originate in the Senate and which are amended shall be engrossed before being sent to the House.

VII. Legislative Officers and Employees

RULE 60. Pages. — The President of the Senate shall appoint pages. The President, or such person as he may designate, shall supervise the pages and assign to them their duties. Each page shall be at least 14 years of age.

RULE 61. Sergeants-at-Arms. — (a) There shall be 14 positions of Assistant Sergeants-at-Arms to be appointed by the Sergeant-at-Arms who are to work under his supervision and to be assigned such duties and powers as he shall direct.

(b) The Sergeant-at-Arms shall be responsible for the safety of the members and employees of the Senate while in the Senate Chamber, or any place in which the Senate or its committees are in session.

(c) The Sergeant-at-Arms shall serve all warrants and subpoenas issued by orders of the Senate and signed by the President of the Senate, and said warrants and subpoenas shall be returnable to the Principal Clerk of the Senate.

RULE 62. Principal Clerk's staff. — The Principal Clerk of the Senate shall employ all necessary employees and clerks required to carry out the duties of his office. The Principal Clerk shall have supervision and control, and shall assign such duties and powers as he shall direct to his employees and clerks.

RULE 63. Committee clerks and secretaries. — (a) Each committee shall have a clerk. The clerk to a committee shall serve as secretary to the chairman of that committee.

(b) Each member shall be assigned a secretary, unless he has a committee clerk to serve as his secretary.

(c) The selection and retention of clerks and secretaries shall be the prerogative of the individual members subject to the approval of the President of the Senate.

RULE 64. Senate Journal. — The Principal Clerk shall prepare and be responsible for the Journal. The Committee on Rules and Operation of the Senate shall examine the Journal to determine if the proceedings of the previous day have been correctly recorded.

RULE 65. (Reserved for future addition to rules).

VIII. General Rules

RULE 66. **President to sign papers.** — All acts, addresses and resolutions, and all warrants and subpoenas issued by order of the Senate shall be signed by the President.

RULE 67. **Admission to the floor of the Senate.** — No person except members of the Senate, members of the House of Representatives, staff of the General Assembly; Judges of the Supreme Court, Court of Appeals, and Superior Courts; the Governor and members of the Council of State; former members of the General Assembly; and persons particularly invited and extended the privileges of the floor by the President shall be admitted to the floor of the Senate during its session. No registered lobbyist shall be admitted to the floor of the Senate or Senate Chamber while the Senate is in session.

RULE 68. **Privileges of the floor.** — Any group or individual other than members of the Senate who desires to make remarks upon the floor of the Senate will first obtain approval of the Committee on Rules and Operation of the Senate.

RULE 69. **News media.** — The President is authorized to assign area and equipment on the floor of the Senate for the use of the representatives of news media; and the President shall provide regulations for the operation of the representatives of the news media on the floor of the Senate.

RULE 70. **Absence without leave.** — No Senator or officer of the Senate shall depart the service of the Senate without leave, or receive pay as a Senator or officer for the time he is absent without leave.

RULE 71. **Placing material on Senators' desks.** — Any person other than a member of the Senate desiring to place articles of any kind on or about desks in the Senate Chamber or in the offices of the members of the Senate shall make written application to, and obtain written approval from the Principal Clerk.

RULE 72. **Assignment of offices.** — The Chairman of the Committee on Rules and Operation of the Senate, subject to the approval of the Committee, is authorized to make assignments of committee rooms and offices to designated committees, chairmen, and members of the Senate. The office adjacent to any committee room assigned to a principal committee by the Chairman of the Committee on Rules and Operation of the Senate, subject to the approval of the Committee on Rules and Operation of the Senate, shall be automatically assigned to the chairman of the principal committee. In making such assignments of individual offices, the said Rules Committee Chairman shall give preferential consideration to the respective members according to the length of service which each member has rendered in the General Assembly prior to the 1981 Session and in the Senate thereafter.

RULE 73. **Administrative rules and regulations involving Senate employees.** — All administrative rules, regulations and orders involving all individuals employed to perform duties for the Senate, other than those appointed by the Principal Clerk and the Sergeant-at-Arms, shall be first approved by the Committee on Rules and Operation of the Senate.

RULE 74. **Notice of public hearings.** — Notice shall be given not less than five calendar days prior to public hearings. Such notices shall be issued as information for the press and the information shall be posted in the places designated by the Principal Clerk.

RULE 75. Public hearings, filing of written statements. — Persons desiring to appear and be heard at a public hearing are encouraged to file with the chairman of the committee a brief or a written statement of the remarks to be made at least 24 hours before the time of the hearing.

RULE 76. Voting in joint sessions. — When any Senate Committee sits jointly with the House Committee, the Senate Committee reserves the right to vote separately from the House Committee.

RULE 77. Alterations, suspension or rescission of rules. — (a) These rules may not be permanently rescinded or altered except by Senate simple resolution passed by a two-thirds vote of the membership of the Senate. The introducer of the resolution must, on the floor of the Senate, give notice of his intent to introduce the resolution on the legislative day preceding its introduction.

(b) Except as otherwise provided herein, the Senate, upon two-thirds vote of the membership of the Senate, may temporarily suspend any of these rules.

Sec. 2. This resolution is effective upon its adoption.

H. B. 130, a bill to make the effective date of the individual income tax provision for the sale of a principal residence by the elderly the same as the federal provision.

The bill passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. J. R. 113, a joint resolution honoring the life and memory of Hugh A. Ragsdale, distinguished former member of the General Assembly.

S. J. R. 215, a joint resolution honoring the life and memory of Clyde Lowell Ball.

H. B. 214, an act to delete the requirement that teachers and other school employees receive an annual examination for tuberculosis.

On motion of Senator Lawing, seconded by Senator Gray, the Senate adjourns to meet tomorrow at 1:30 P.M.

FORTY-FIRST DAY

SENATE CHAMBER,
Wednesday, March 11, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Gene Witherspoon, Jr., Pastor of Kirk of Kildaire Presbyterian Church, Raleigh, as follows:

"God of our life, through all the circling years, we trust in Thee; In all the past, through all our hopes and fears, Thy hand we see. With each new day, when morning lifts the veil, We own Thy mercies, Lord, which never fail."

"As legislators and as a pastor, O God, we struggle each day to be faithful to our personal convictions, even as we desire to serve those whom we represent and who put us where we are.

"When we long for life without trials and work without difficulties, remind us that oaks grow strong in contrary winds and diamonds are made under pressure. With stout hearts may we see in every calamity an opportunity and not give way to the pessimism that sees in every opportunity a calamity.

"Knowing that You are still upon the throne, let us get on with the job at hand, doing the best we can and leaving the rest to You. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President extends courtesies of the floor to the Honorable Norris C. Reed, former Senator from Craven County.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Swain for the **Courts and Judicial Districts and Criminal Justice Committee**:

S. B. 162, a bill to permit Clerk of Superior Court functioning in District Court matters to accept certain written appearances, waivers of trial and pleas of guilty where an increased amount of restitution is made, with a favorable report.

By Senator McDuffie for the **Election Laws Committee**:

S. B. 123, a bill to amend the requirements for a supervisor of elections and the procedure for termination of such employment, with a favorable report as to concurrence in the House Committee Substitute bill.

S. B. 166, a bill implementing the provisions of Article II, Section 9, of the North Carolina Constitution, regarding the date on which a member of the General Assembly takes office for purposes of dual-office holding, with a favorable report.

S. B. 216, a bill to raise the limit on the amount that may be contributed to a political campaign, with a favorable report.

H. B. 172, Committee Substitute for **H. B. 172**, a bill to clarify the procedure for purging voter registration records, with a favorable report.

By Senator Duncan for the **Finance Committee**:

S. B. 111, a bill to amend the General Statutes of North Carolina relating to the promotion of agriculture research and dissemination of findings, with a favorable report.

H. B. 85, a bill to amend the definition of user-seller under the Special Fuels Tax Act, and to amend the reporting and record keeping procedures, with a favorable report, as amended.

By Senator Raynor for the **Law Enforcement and Crime Control Committee**:

H. B. 254, a bill to clarify the availability of civil liability protection for outside law enforcement officers providing aid to law enforcement agencies requesting assistance, with a favorable report.

By Senator Marion for the **Local Government and Regional Affairs Committee**:

S. B. 74, a bill to redefine the corporate limits of the City of Morganton, with an unfavorable report as to bill, but favorable as to Committee Substitute bill, with amendment.

On motion of Senator Marion, the rules are suspended and the Committee Substitute bill, with amendment, is placed before the Senate for immediate consideration.

On motion of Senator Marion, the Committee Substitute, with amendment, is adopted, and on his further motion is placed on the Calendar for Friday, March 13.

S. B. 190, a bill to provide that the Buncombe County Board of Education shall be elected in the first primary by a modified election and runoff method, with a favorable report.

S. B. 196, a bill to provide that the Davie County Board of Education shall be elected on a partisan basis, with a favorable report.

S. B. 214, a bill to authorize the City of Mount Airy to dispose of certain real property by private negotiation and sale, with a favorable report.

S. B. 218, a bill to allow the City of Newton to use the provisions of Chapter 136 of the General Statutes in condemnation proceedings, with a favorable report.

S. B. 219, a bill to allow the Town of Maiden to use the provisions of Chapter 136 of the General Statutes in condemnation proceedings, with a favorable report.

S. B. 227, a bill to allow the County of Rowan to follow the General Law concerning local development in G. S. 158-7.1 and G. S. 158-7.2, with a favorable report.

H. B. 183, a bill to permit the City of Charlotte to increase its parking penalties, with a favorable report.

H. B. 187, a bill to require a permit from the Charlotte Fire Department for pyrotechnics exhibitions within the city limits, with a favorable report.

H. B. 188, a bill relating to the letting of public contracts by the City of Charlotte, with a favorable report.

H. B. 228, a bill to prohibit annexation into Davie County by any governmental unit located outside of Davie County, and to prohibit annexation of noncontiguous territory within Davie County, with a favorable report.

H. B. 272, a bill to amend the Charter of the City of Greensboro, as revised and reorganized by Chapter 1137 of the Session Laws of 1959, As Amended, by adding provisions relating to public accommodations, fair housing and equal employment, with a favorable report, as amended.

H. B. 318, a bill to authorize the Dare County Community Center to convey its assets to Dare County, with a favorable report.

H. B. 337, a bill relating to the Board of Trustees of the Haywood County Hospital, with a favorable report.

By Senator Thomas of Craven for the **Natural and Economic Resources and Wildlife Committee**:

S. B. 94, a bill to allow nonprofit rescue squads to apply for numbers without payment of a fee, with a favorable report.

S. B. 110, a bill to amend G. S. 75A-7 to empower the Wildlife Resources Commission to permit the voluntary numbering of motorboats owned by a governmental entity and the issuance of permanent certificates of number to motorboats owned by governmental entities and nonprofit rescue squads, with a favorable report, as amended.

By Senator Jenkins for the **Pensions and Retirement Committee**:

S. B. 225, a bill to establish the North Carolina Firemen's and Rescue Squad Workers' Pension Fund, with a favorable report, as amended.

On motion of Senator Jenkins, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee**.

By Senator Barnes for the **State Government Committee**:

S. B. 160, a bill to reduce the time permitted for filing answer in condemnation proceedings instituted by the North Carolina Department of Administration, with a favorable report.

H. B. 191, a bill to abolish the North Carolina Traffic Safety Authority, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Harrington:

S. B. 231, a bill to allow Hertford County to establish precincts without regard to township boundaries.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Daniels, Mills, Harrington, Cavanagh, Soles, Thomas of Craven, and Wright:

S. B. 232, a bill to establish a fund to purchase coastal lands which have been subject to natural disaster when such acquisition would serve a public purpose.

Referred to **Natural and Economic Resources and Wildlife Committee**.

By Senators Daniels, Thomas of Craven, Mills, Hardison, Harrington, Soles, Cavanagh, Ward, Speed, Kincaid, Lawing, Baker, Duncan, and Redman:

S. B. 233, a bill to amend the definition of "development" in the Coastal Areas Management Act.

Referred to **Natural and Economic Resources and Wildlife Committee**.

By Senator Ballenger:

S. B. 234, a bill to authorize local discretion to apply for indirect costs for public and mental health programs.

Referred to **Human Resources Committee**.

By Senators White, Palmer, Speed, Daniels, Harrington, and Warren:

S. B. 235, a bill to appropriate funds to the Department of Agriculture for additional personnel at the Clinton and Tidewater Research Stations.

Referred to **Agriculture Committee**.

By Senators White, Palmer, Speed, Daniels, Harrington, and Warren:

S. B. 236, a bill to appropriate funds to the Department of Agriculture for inspection of alcohol and synthetic fuels.

Referred to **Agriculture Committee**.

By Senators White, Palmer, Speed, Daniels, Harrington, and Warren:

S. B. 237, a bill to appropriate funds to the Department of Agriculture for control of aflatoxin in cornmeal.

Referred to **Agriculture Committee**.

By Senators White, Palmer, Speed, Daniels, Harrington, and Warren:

S. B. 238, a bill to appropriate funds to the Department of Agriculture for the Livestock Fee Advisory Service.

Referred to **Agriculture Committee**.

By Senator McDuffie:

S. B. 239, a bill to authorize the county board of elections to set the time and date for return of registration and pollbooks by precinct election officials.

Referred to **Election Laws Committee**.

By Senator McDuffie:

S. B. 240, a bill to make optional the method of conveyance of the duplicate copy of the precinct return form.

Referred to **Election Laws Committee**.

By Senator McDuffie:

S. B. 241, a bill to amend the Metropolitan Water Districts Act to conform the elections for water and sewer systems to the general election laws.

Referred to **Election Laws Committee**.

By Senator McDuffie:

S. B. 242, a bill to authorize the chairman of a county board of elections to administer oaths.

Referred to **Election Laws Committee**.

By Senator McDuffie:

S. B. 243, a bill to clarify the election laws in sanitary districts and to conform to the general election laws for special districts.

Referred to **Election Laws Committee**.

By Senators Jenkins, Lawing, Mathis, and McDuffie:

S. B. 244, a bill to allow Cabarrus County to name private roads in unincorporated areas, and simplify the process of naming roads in that County.

Referred to **Local Government and Regional Affairs Committee**.

By Senator McDuffie:

S. B. 245, a bill to permit precinct election officials to record absentee voters on the registration records prior to the closing of the polls and to authorize legal guardians to make application for absentee ballots.

Referred to **Election Laws Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 90, a bill to validate certain notices to creditors of decedents' estates.

Referred to **Judiciary I Committee**.

H. B. 158, Committee Substitute for **H. B. 158**, a bill to amend Chapter 35 of the General Statutes to allow the parent of a mentally ill or mentally retarded person to petition the court for the sterilization operation of the mentally ill or mentally retarded person.

Referred to **Human Resources Committee**.

H. B. 164, a bill to allow counties to simplify the provisions for giving notice before changing the name of a road.

Referred to **Local Government and Regional Affairs Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 24, Committee Substitute No. 2 for **S. B. 24**, a bill for equitable distribution of marital property.

Senator Marvin calls for the "ayes" and "noes" on passage of the main question.

Senator Marvin offers Amendment No. 1 which is adopted.

Senator Swain offers Amendment No. 2 which fails of adoption.

Senator Swain offers Amendment No. 3 which fails of adoption.

Senator Cockerham offers Amendment No. 4. Senator Creech calls the previous question. The call is not sustained. Amendment No. 4 fails of adoption.

Senator McDuffie offers Amendment No. 5, which he subsequently withdraws.

Senator Swain offers Amendment No. 6, which he subsequently withdraws.

Senator Jenkins offers Amendment No. 7, which is adopted.

The call for the "ayes" and "noes" is sustained.

The following pair is announced: Senator Johnson, "aye"; Senator Cockerham, "no."

The Committee Substitute bill No. 2, as amended, passes its second reading by roll-call vote, ayes 45, noes 1, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 45.

Voting in the negative: Senator Smith — 1.

On motion of Senator Soles, the Committee Substitute bill No. 2, as amended, is placed on the Calendar for Tuesday, March 17.

H. B. 210, a bill to alter the distribution of profits of the Pittsboro ABC Board.

The bill passes its second and third readings and is ordered enrolled.

H. B. 262, a bill to allow the Pender County Commissioners to provide for ABC law enforcement.

On motion of Senator Wright, consideration of the bill is postponed until Wednesday, March 18.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 49, an act to provide that the city manager of the City of Hendersonville need not become a resident of that City.

H. B. 130, an act to make the effective date of the individual income tax provision for the sale of a principal residence by the elderly the same as the federal provision.

On motion of Senator Lawing, seconded by Senator Royall, the Senate adjourns in honor of Mozelle Stringfield Swain, mother of Senator Robert Swain, who is celebrating her ninety-seventh birthday, today, to meet tomorrow at 1:30 P.M.

FORTY-SECOND DAY

SENATE CHAMBER,
Thursday, March 12, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, we are all aware of the differences that separate us by class or sex or party or race or religion. Help us to celebrate those differences which enable us to make our own unique contribution to the state, nation and world; and to overcome those differences that divide us as a people. Since we are all Your children in the flesh, enable us to become one in the spirit, working together when we are able, in conscience, to do so; and respecting the opinions of others when we disagree. Fill this room with Your spirit, that what is done here may not be our wills alone, but Yours. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senators Mathis, Rauch, and Vickery for today and to Senators Rauch, Vickery, Harris, and Kincaid for tomorrow, March 13.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Speed for the **Education Committee**:

H. B. 131, a bill to require school buses to stop at all railroad grade crossings, with a favorable report.

By Senator Allsbrook for the **Judiciary I Committee**:

H. B. 90, a bill to validate certain notices to creditors of decedents' estates, with a favorable report.

H. B. 124, a bill to reinstate the common law on agricultural tenancies in Halifax County, with a favorable report.

By Senator Creech for the **Judiciary III Committee**:

H. B. 67, a bill to equalize between married persons the right to income, possession, and control in property owned concurrently in tenancy by the entirety, with a favorable report, as amended.

On motion of Senator Creech, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted. The bill, as amended, is re-referred to the **Finance Committee**.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators White and Warren:

S. B. 246, a bill to increase the fees for the use of the courtroom and related judicial facilities.

Referred to **Courts and Judicial Districts and Criminal Justice Committee**.

By Senator Kincaid and Baker:

S. B. 247, a bill to provide for the membership of the Beech Mountain Sanitary District Board of Commissioners.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Kincaid and Baker:

S. B. 248, a bill to provide that the General Assembly may provide in an act of incorporation that the governing board of the city may be ex officio the governing board of a pre-existing sanitary district, if the sanitary district approves.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Harris:

S. B. 249, a bill to amend Chapter 130, Article 21, of the General Statutes relating to postmortem.

Referred to **Human Resources Committee**.

By Senators Jordan, Vickery, Creech, and Jenkins:

S. B. 250, a bill to provide for a more effective review of administrative rules, and to make permanent the Legislative Research Commission's Administrative Rules Review Committee.

Referred to **Rules and Operation of the Senate Committee**.

By Senators Jordan, Vickery, Creech, and Jenkins:

S. B. 251, a bill to appropriate funds for the Legislative Research Commission's Administrative Rules Review Committee.

Referred to **Appropriations Committee**.

By Senator McDuffie:

S. B. 252, a bill to conform mosquito district elections to the general election laws.

Referred to **Election Laws Committee**.

By Senator McDuffie:

S. B. 253, a bill to authorize separate domicile for married women for purpose of voting.

Referred to **Election Laws Committee**.

By Senator McDuffie:

S. B. 254, a bill to amend Chapter 115 to clarify and conform those provisions relating to elections to the general election laws.

Referred to **Election Laws Committee**.

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By Senator McDuffie:

S. B. 255, a bill to amend the election procedures for public hospitals to conform the various elections therein to the general election laws.

Referred to **Election Laws Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 94, a bill to allow nonprofit rescue squads to apply for numbers without payment of a fee.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 110, a bill to amend G. S. 75A-7 to empower the Wildlife Resources Commission to permit the voluntary numbering of motorboats owned by a governmental entity and the issuance of permanent certificates of number to motorboats owned by governmental entities and nonprofit rescue squads.

On motion of Senator Jordan, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 111, a bill to amend the General Statutes of North Carolina relating to the promotion of agriculture research and dissemination of findings, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, and Wright — 46.

The bill remains on the Calendar upon third reading.

H. B. 68, a bill to exempt from property taxation "bill and hold" goods owned by nonresidents and held for shipment.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

S. B. 123, House Committee Substitute for **S. B. 123**, a bill to amend the requirements for a supervisor of elections and the procedure for termination of such employment, for concurrence in the House Committee Substitute bill.

On motion of Senator Thomas of Henderson, the Senate concurs in the House Committee Substitute bill and the bill is ordered enrolled.

S. B. 160, a bill to reduce the time permitted for filing answer in condemnation proceedings instituted by the North Carolina Department of Administration.

The bill passes its second reading.

On objection of Senator Jenkins to its third reading the bill remains on the Calendar.

S. B. 162, a bill to permit Clerk of Superior Court functioning in District Court matters to accept certain written appearances, waivers of trial and pleas of guilty where an increased amount of restitution is made.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 166, a bill implementing the provisions of Article II, Section 9, of the North Carolina Constitution, regarding the date on which a member of the General Assembly takes office for purposes of dual-office holding.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 190, a bill to provide that the Buncombe County Board of Education shall be elected in the first primary by a modified election and runoff method.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 196, a bill to provide that the Davie County Board of Education shall be elected on a partisan basis.

On motion of Senator Boger, the bill is recommitted to the **Local Government Committee**.

S. B. 214, a bill to authorize the City of Mount Airy to dispose of certain real property by private negotiation and sale.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 216, a bill to raise the limit on the amount that may be contributed to a political campaign.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 218, a bill to allow the City of Newton to use the provisions of Chapter 136 of the General Statutes in condemnation proceedings, upon second reading.

The bill passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Kincaid, Lawing, Marion, Marvin, Mills, Noble, Palmer, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Walker, Warren, White, and Wright — 41.

The bill remains on the Calendar upon third reading.

S. B. 219, a bill to allow the Town of Maiden to use the provisions of Chapter 136 of the General Statutes in condemnation proceedings, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Raynor, Redman, Royall, Smith, Soles, Swain, Thomas of Craven, Walker, Ward, Warren, White, and Wright — 42.

The bill remains on the Calendar upon third reading.

S. B. 227, a bill to allow the County of Rowan to follow the General Law concerning local development in G. S. 158-7.1 and G. S. 158-7.2, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Kincaid, Lawing, Marion, Marvin, Mills, Noble, Palmer, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Walker, Ward, Warren, White, and Wright — 42.

The bill remains on the Calendar upon third reading.

H. B. 85, a bill to amend the definition of user-seller under the Special Fuels Tax Act, and to amend the reporting and record keeping procedures, upon second reading.

On motion of Senator Duncan, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, and Wright — 46.

The bill, as amended, remains on the Calendar upon third reading.

H. B. 99, Committee Substitute for **H. B. 99**, a bill to exempt members of certain boards of education under certain circumstances from the conflict of interest provisions of G. S. 14-234, G. S. 14-236 and G. S. 14-237.

On motion of Senator Soles, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 172, Committee Substitute for **H. B. 172**, a bill to clarify the procedure for purging voter registration records.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 183, a bill to permit the City of Charlotte to increase its parking penalties, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Raynor, Redman, Royall, Smith, Soles, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, and Wright — 42.

The bill remains on the Calendar upon third reading.

H. B. 187, a bill to require a permit from the Charlotte Fire Department for pyrotechnics exhibitions within the city limits.

The bill passes its second and third readings and is ordered enrolled.

H. B. 188, a bill relating to the letting of public contracts by the City of Charlotte. The bill passes its second and third readings and is ordered enrolled.

H. B. 191, a bill to abolish the North Carolina Traffic Safety Authority. The bill passes its second and third readings and is ordered enrolled.

H. B. 228, a bill to prohibit annexation into Davie County by any governmental unit located outside of Davie County, and to prohibit annexation of noncontiguous territory within Davie County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 238, a bill to extend time to start third-party suit.

The bill passes its second and third readings and is ordered enrolled.

H. B. 254, a bill to clarify the availability of civil liability protection for outside law enforcement officers providing aid to law enforcement agencies requesting assistance.

The bill passes its second and third readings and is ordered enrolled.

H. B. 272, a bill to amend the Charter of the City of Greensboro, as revised and reorganized by Chapter 1137 of the Session Laws of 1959, as amended, by adding provisions relating to public accommodations, fair housing and equal employment.

On motion of Senator Frye, consideration of the bill is postponed until Friday, March 13.

H. B. 318, a bill to authorize the Dare County Community Center to convey its assets to Dare County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 337, a bill relating to the Board of Trustees of the Haywood County Hospital.

The bill passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 64, an act to make technical and clarifying corrections to Schedule B of the Revenue Act to reflect substantive changes made by the General Assembly.

H. B. 146, Committee Substitute for **H. B. 146**, an act to require reporting of positive tuberculosis tests by laboratories.

H. B. 210, an act to alter the distribution of profits of the Pittsboro ABC Board.

On motion of Senator Lawing, seconded by Senator Frye, the Senate adjourns to meet tomorrow at 10:30 A.M.

FORTY-THIRD DAY

SENATE CHAMBER,
Friday, March 13, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

March 13, 1981

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"We are grateful, O Lord, for all that You have enabled us to accomplish in this week of work. We acknowledge that all our achievements are possible only as You bring to us the wisdom and power we lack. Help us, therefore, to be willing to submit our wills to Yours in all that we do, and especially in this place. Grant that we shall use the weekend ahead for worship, rest, and recreation that we may become refreshed and renewed for another week of work and service. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senators Noble, McDuffie, and Garrison for today. Leaves of absence granted previously to Senators Rauch, Vickery, Harris, and Kincaid are noted.

WITHDRAWAL FROM COMMITTEE

H. B. 86, a bill to amend Chapter 133 to provide for additional relocation assistance payments for persons displaced by public works projects.

On motion of Senator Hardison, the rules are suspended and the bill is taken from the **Appropriations Committee** and is placed on the Calendar for Monday, March 16.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Raynor for Senator Harris for the **Human Resources Committee**:

H. B. 49, Committee Substitute for **H. B. 49**, a bill to provide that members of Nursing Home Community Advisory Committee members may be defended pursuant to Chapter 143 of the General Statutes, with a favorable report, as amended.

On motion of Senator Raynor, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, is re-referred to **Judiciary I Committee**.

H. B. 158, Committee Substitute for **H. B. 158**, a bill to amend Chapter 35 of the General Statutes to allow the parent of a mentally ill or mentally retarded person to petition the court for the sterilization operation of the mentally ill or mentally retarded person, with a favorable report.

H. B. 174, a bill to provide defense of employees and officers of area mental health, mental retardation and substance abuse authorities and of the agencies with which the area authority contracts for the provision of services, with a favorable report.

By Senator Marion for the **Local Government and Regional Affairs Committee**:

S. B. 229, a bill to extend the time for Orange County reappraisal appeals, with a favorable report, as amended.

By Senator Lawing for the **Rules and Operation of the Senate Committee:**

S. J. R. 187, a joint resolution joining Governor James B. Hunt, Jr., in urging the National Park Service to save the Historic Cape Hatteras Lighthouse, with a favorable report.

S. J. R. 195, a joint resolution honoring the life and memory of Shearon Harris, a former member of the General Assembly, with a favorable report.

On motion of Senator Johnson, the joint resolution is placed on the Calendar for Monday, March 23.

H. J. R. 215, a joint resolution directing the North Carolina Department of Human Resources to conduct a recodification study of the Public Health Laws of North Carolina, with a favorable report.

H. J. R. 306, a joint resolution honoring the life and memory of Clyde Hampton Harriss, Sr., with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Thomas of Henderson and Palmer:

S. B. 256, a bill to appropriate funds for the Mountain Horticultural Crops Research Station near Fletcher.

Referred to **Appropriations Committee**.

By Senators Kincaid and Baker:

S. B. 257, a bill to incorporate the Town of Beech Mountain, and to authorize its governing board to serve ex officio as the governing board of the Beech Mountain Sanitary District.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Ballenger, Boger, Kincaid, Baker, Cockerham, Redman, Wright, Allred, Cavanagh, and Smith:

S. R. 258, a Senate resolution commending Lieutenant Governor Jimmy Green.

Referred to **Rules and Operation of the Senate Committee**.

By Senator Soles:

S. B. 259, a bill regarding competitive bidding by the Brunswick County Board of Education.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Creech and Noble:

S. B. 260, a bill to make the laws of perjury and falsification enforceable.

Referred to **Judiciary III Committee**.

By Senator Raynor:

S. B. 261, a bill to repeal the reduction in disability retirement allowances of gainfully employed disability retirees and the requirement for annual income statements in the Law Enforcement Officers' Benefit and Retirement Fund.

Referred to **Pensions and Retirement Committee**.

By Senator Raynor:

S. B. 262, a bill regarding confiscation and disposition of deadly weapons in Cumberland County.

Referred to **Law Enforcement and Crime Control Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 237, Committee Substitute for **H. B. 237**, a bill to make Civil Procedure Rule 36's provisions on requests for admissions more equitable.

Referred to **Courts and Judicial Districts and Criminal Justice Committee**.

H. B. 379, a bill to permit the City of Goldsboro to convey property necessary for a farmer's market.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 382, a bill to permit the City of Henderson to participate in the Urban Development Action Program and to lend or grant the moneys received from the United States Department of Housing and Urban Development to private developers.

Referred to **Local Government and Regional Affairs Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 74, Committee Substitute for **S. B. 74**, a bill to redefine the corporate limits of the City of Morganton, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 36, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Jenkins, Jernigan, Jordan, Marion, Marvin, Mills, Palmer, Raynor, Redman, Royall, Smith, Soles, Swain, Thomas of Craven, Walker, Ward, Warren, White, Wright, and Wynne — 36.

The Committee Substitute bill remains on the Calendar upon third reading.

S. B. 111, a bill to amend the General Statutes of North Carolina relating to the promotion of agriculture research and dissemination of findings, upon third reading.

The bill passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Gray, Hancock,

Hardison, Harrington, Jenkins, Jernigan, Jordan, Marion, Marvin, Mathis, Mills, Palmer, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 39.

The bill is ordered sent to the House of Representatives.

S. B. 160, a bill to reduce the time permitted for filing answer in condemnation proceedings instituted by the North Carolina Department of Administration, upon third reading.

Senator Jenkins offers Amendment No. 1 which is adopted.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives.

S. B. 218, a bill to allow the City of Newton to use the provisions of Chapter 136 of the General Statutes in condemnation proceedings, upon third reading.

The bill passes its third reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Jenkins, Jernigan, Jordan, Marion, Marvin, Mills, Palmer, Raynor, Redman, Royall, Smith, Soles, Swain, Thomas of Craven, Walker, Ward, Warren, White, Wright, and Wynne — 35.

The bill is ordered sent to the House of Representatives.

S. B. 219, a bill to allow the Town of Maiden to use the provisions of Chapter 136 of the General Statutes in condemnation proceedings, upon third reading.

The bill passes its third reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Jenkins, Jernigan, Jordan, Marion, Marvin, Mills, Palmer, Raynor, Redman, Royall, Smith, Soles, Swain, Thomas of Craven, Walker, Ward, Warren, White, Wright, and Wynne — 35.

The bill is ordered sent to the House of Representatives.

S. B. 227, a bill to allow the County of Rowan to follow the General Law concerning local development in G. S. 158-7.1 and G. S. 158-7.2, upon third reading.

The bill passes its third reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Jenkins, Jernigan, Jordan, Marion, Marvin, Mills, Palmer, Raynor, Redman, Royall, Smith, Soles, Swain, Thomas of Craven, Walker, Ward, Warren, White, Wright, and Wynne — 35.

The bill is ordered sent to the House of Representatives.

H. B. 85, a bill to amend the definition of user-seller under the Special Fuels Tax Act, and to amend the reporting and record keeping procedures, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harrington, Jenkins, Jernigan, Johnson, Jordan, Lawing, Marvin, Mathis, Mills, Palmer, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of

Craven, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 42.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 90, a bill to validate certain notices to creditors of decedents' estates. The bill passes its second and third readings and is ordered enrolled.

H. B. 124, a bill to reinstate the common law on agricultural tenancies in Halifax County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 131, a bill to require school buses to stop at all railroad grade crossings. The bill passes its second and third readings and is ordered enrolled.

H. B. 183, a bill to permit the City of Charlotte to increase its parking penalties, upon third reading.

The bill passes its third reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Jenkins, Jernigan, Jordan, Marion, Marvin, Mills, Palmer, Raynor, Redman, Royall, Smith, Soles, Swain, Thomas of Craven, Walker, Ward, Warren, White, Wright, and Wynne — 35.

The bill is ordered enrolled.

H. B. 272, a bill to amend the Charter of the City of Greensboro, as revised and reorganized by Chapter 1137 of the Session Laws of 1959, as amended, by adding provisions relating to public accommodations, fair housing and equal employment.

On motion of Senator Frye, consideration of the bill is postponed until Tuesday, March 17.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 123, Committee Substitute for **S. B. 123**, an act to amend the requirements for a supervisor of elections and the procedure for termination of such employment.

S. B. 155, an act to separate the activities of the House and Senate Committees on Pensions and Retirement.

H. B. 68, an act to exempt from property taxation "bill and hold" goods owned by nonresidents and held for shipment.

H. B. 172, Committee Substitute for **H. B. 172**, an act to clarify the procedure for purging voter registration records.

H. B. 187, an act to require a permit from the Charlotte Fire Department for pyrotechnics exhibitions within the city limits.

H. B. 188, an act relating to the letting of public contracts by the City of Charlotte.

H. B. 191, an act to abolish the North Carolina Traffic Safety Authority.

H. B. 228, an act to prohibit annexation into Davie County by any governmental unit located outside of Davie County, and to prohibit annexation of noncontiguous territory within Davie County.

H. B. 238, an act to extend time to start third-party suit.

H. B. 254, an act to clarify the availability of civil liability protection for outside law enforcement officers providing aid to law enforcement agencies requesting assistance.

H. B. 318, an act to authorize the Dare County Community Center to convey its assets to Dare County.

H. B. 337, an act relating to the Board of Trustees of the Haywood County Hospital.

On motion of Senator Lawing, seconded by Senator Palmer, the Senate adjourns to meet Monday at 8:00 P.M.

FORTY-FOURTH DAY

SENATE CHAMBER,
Monday, March 16, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Frank Upchurch, Minister and Director of Alumni Activities, Campbell University, Buies Creek.

Senator Royall for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senators Garrison, Harrington, and Jernigan for tonight.

The President recognizes the following pages serving in the Senate this week: Marc Richardson Barbour, Angier; William Marion Brooks, Jr., Raleigh; Mark Randall Coffin, Haw River; Dene Dawson, Garner; Sally Mae Dunn, North Wilkesboro; David Deal Evans, Como; Wain Gaskill, Cedar Island; Dana Carol Gooden, Morehead City; Dora Elizabeth Hooks, Jonas Ridge; Cynthia Reve Hooper, Cullowhee; Jan Kinton, Willow Springs; Philip Neal, Hamlet; Alan Richard Partin, Raleigh; Matthew Earl Raynor, Fayetteville; James Guy Revelle, III, Murfreesboro; Diane Scobie, Raleigh; Susan Ellen Skinner, Enfield; Amy Clark Smith, Salisbury; Paula Lynn Taylor, Eure; Beverly Thorpe, Chapel Hill; Carolyn Jean Twisdale, Enfield; and Lee Vinson, Conway.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Swain, Jenkins, Kincaid, Harris, Allred, Warren, Daniels, Allsbrook, Soles, Raynor, and Redman:

S. B. 263, a bill to authorize deferred prosecution in certain cases.
Referred to **Judiciary I Committee**.

March 16, 1981

By Senator Noble:

S. B. 264, a bill to permit service with the United States Office of Education to be considered creditable out-of-state service in the Teachers' and State Employees' Retirement System.

Referred to **Pensions and Retirement Committee**.

By Senator Baker:

S. B. 265, a bill to permit fox hunting with firearms under certain conditions in Avery and Wilkes Counties.

Referred to **Natural and Economic Resources and Wildlife Committee**.

By Senator Kincaid:

S. B. 266, a bill to limit the types of designs that may be used on stationery of State agencies.

Referred to **Judiciary I Committee**.

By Senator Jernigan:

S. B. 267, a bill to provide funds for the treatment of hemophilia.

Referred to **Appropriations Committee**.

By Senator Cockerham:

S. B. 268, a bill to limit members of local community college and technical institute boards of trustees to two terms.

Referred to **Higher Education Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 44, a bill to allow nonresidents, filing North Carolina returns, to apportion personal deductions between North Carolina and their states of principal residence to the extent that their states of principal residence allow apportionment of personal deductions by nonresidents filing returns in that state.

Referred to **Finance Committee**.

H. B. 196, a bill to amend G. S. 50-6 to provide that divorce not affect alimony rights.

Referred to **Judiciary III Committee**.

H. B. 232, a bill to provide that elections in the Town of Mooresboro in Cleveland County shall be conducted under the plurality method.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 241, a bill to provide that elections in the Town of Belwood in Cleveland County shall be conducted under the plurality method.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 248, Committee Substitute for **H. B. 248**, a bill to establish the crime of forging certain school transcripts or diplomas.

Referred to **Judiciary II Committee**.

H. B. 300, a bill to amend Chapter 90, Article 11, of the General Statutes relating to veterinarians.

Referred to **State Government Committee**.

H. B. 325, a bill relating to the letting of public contracts by Mecklenburg County.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 326, a bill to allow the Mecklenburg County Board of Commissioners to delegate approval of permits for storage and sale of explosives and the exhibition of pyrotechnics.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 345, a bill to permit the City of Lumberton to participate in the Urban Development Action Program and to lend or grant the moneys received from the United States Department of Housing and Urban Development to private developers.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 346, a bill to clarify the circumstances under which the City of Lumberton may make local improvements.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 347, a bill to allow the City of Lumberton to expand the size of its Board of Building Appeals.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 367, a bill to authorize McDowell County to convey by private sale a tract of land to Marion General Hospital, Incorporated.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 386, a bill to allow the City of Kinston to use the provisions of Chapter 136 of the General Statutes in condemnation proceedings.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 392, a bill to authorize county boards of elections to permit precinct officials to combine ballots in one ballot box or more after counting has been completed.

Referred to **Election Laws Committee**.

H. B. 400, a bill to require consent of the Bladen County Board of Commissioners before land in that County may be condemned or acquired by a unit of local government outside the County.

Referred to **Local Government and Regional Affairs Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 74, Committee Substitute for **S. B. 74**, a bill to redefine the corporate limits of the City of Morganton, upon third reading.

Senator Allred is excused from voting.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harris, Jenkins, Johnson, Jordan, Kincaid, Marion, Marvin, Mathis, McDuffie,

Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 44.

The Committee Substitute bill is ordered, without objection, sent to the House of Representatives by Special Messenger.

S. J. R. 187, a joint resolution joining Governor James B. Hunt, Jr., in urging the National Park Service to save the Historic Cape Hatteras Lighthouse.

Senator Allred is excused from voting.

The joint resolution passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 229, a bill to extend the time for Orange County reappraisal appeals.

Senator Allred is excused from voting.

On motion of Senator Soles, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

H. B. 86, a bill to amend Chapter 133 to provide for additional relocation assistance payments for persons displaced by public works projects.

Senator Allred is excused from voting.

The bill passes its second and third readings and is ordered enrolled.

H. B. 158, Committee Substitute for **H. B. 158**, a bill to amend Chapter 35 of the General Statutes to allow the parent of a mentally ill or mentally retarded person to petition the court for the sterilization operation of the mentally ill or mentally retarded person.

Senator Allred is excused from voting.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 174, a bill to provide defense of employees and officers of area mental health, mental retardation and substance abuse authorities and of the agencies with which the area authority contracts for the provision of services, upon second reading.

Senator Allred is excused from voting.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harris, Jenkins, Johnson, Jordan, Kincaid, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 45.

The bill remains on the Calendar upon third reading.

H. J. R. 215, a joint resolution directing the North Carolina Department of Human Resources to conduct a recodification study of the Public Health Laws of North Carolina.

Senator Allred is excused from voting.

The joint resolution passes its second and third readings and is ordered enrolled.

H. J. R. 306, a joint resolution honoring the life and memory of Clyde Hampton Harriss, Sr.

The joint resolution passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 90, an act to validate certain notices to creditors of decedents' estates.

H. B. 124, an act to reinstate the common law on agricultural tenancies in Halifax County.

H. B. 131, an act to require school buses to stop at all railroad grade crossings.

H. B. 183, an act to permit the City of Charlotte to increase its parking penalties.

On motion of Senator Lawing, seconded by Senator Jordan, the Senate adjourns to meet tomorrow at 1:30 P.M.

FORTY-FIFTH DAY

SENATE CHAMBER,
Tuesday, March 17, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Woodrow Wall, Sandy Plain Baptist Church, Shelby.

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants a leave of absence to Senator Garrison for today.

RE-REFERRAL

S. B. 250, a bill to provide for a more effective review of administrative rules, and to make permanent the Legislative Research Commission's Administrative Rules Review Committee.

On motion of Senator Lawing, the rules are suspended and the bill is taken from the **Rules and Operation of the Senate Committee** and re-referred to the **State Government Committee**.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator White for the **Agriculture Committee**:

S. B. 114, a bill to amend Chapter 106, Article 50 of the General Statutes, Promotion of Use and Sale of Agricultural Products, with regard to the research and promotion

programs of the American Dairy Association of North Carolina, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator White, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator White, the Committee Substitute bill is adopted, and on his further motion is re-referred to **Finance Committee**.

S. B. 129, a bill to make appropriations for beef cattle feeding and environmental research at the Tidewater Research Station, with a favorable report, as amended.

On motion of Senator White, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to **Appropriations Committee**.

S. B. 175, a bill to exclude allotments from ad valorem taxation, with a favorable report, as amended.

On motion of Senator White, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to **Finance Committee**.

By Senator Barnes for the **State Government Committee**.

S. B. 121, a bill to restructure the Governmental Evaluation Commission, with a favorable report, as amended.

On motion of Senator Barnes, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to **Appropriations Committee**.

By Senator Harrington for the **Transportation Committee**:

S. B. 164, a bill to permit the transportation of seed cotton without a covering on the vehicle, with a favorable report.

S. B. 211, a bill to amend G. S. 136-89.56 to provide for the establishment of logos on controlled access highways, with a favorable report.

S. B. 212, a bill to amend G. S. 136-28.1 to require all contracts over thirty thousand dollars for highway construction or repair to be let on bids, with a favorable report.

H. B. 96, Committee Substitute for **H. B. 96**, a bill to amend G. S. 20-24 concerning reports of convictions sent to the Division of Motor Vehicles, with a favorable report.

H. B. 302, a bill to amend G. S. 20-296 to permit notice by certified mail, with a favorable report.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 343, Committee Substitute for **H. B. 343**, a bill exempting from the provision of Article 12, Chapter 160A, of the General Statutes of North Carolina, certain counties as to leases or sales of real estate owned, or hereafter owned by it, as an industrial park, or for the purposes of industrial development.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 348, a bill to annex contiguous State owned property into the corporate limits of the City of Lumberton.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 414, a bill to make Greek Independence Day a State holiday.

Referred to **Rules and Operation of the Senate Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 24, Committee Substitute No. 2 for **S. B. 24**, a bill for equitable distribution of marital property, as amended, upon third reading.

On motion of Senator Barnes, consideration of the Committee Substitute bill No. 2, as amended, is postponed until Wednesday, March 18.

H. B. 174, a bill to provide defense of employees and officers of area mental health, mental retardation and substance abuse authorities and of the agencies with which the area authority contracts for the provision of services, upon third reading.

Senator Allsbrook offers Amendment No. 1.

On motion of Senator Frye, the bill and pending Amendment No. 1 are re-referred to the **Judiciary I Committee**.

H. B. 272, a bill to amend the Charter of the City of Greensboro, as revised and reorganized by Chapter 1137 of the Session Laws of 1959, as amended, by adding provisions relating to public accommodations, fair housing and equal employment.

On motion of Senator Frye, consideration of the bill is postponed until Thursday, March 19.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 137, an act to allow the Town of Mayodan to use the provisions of Chapter 136 of the General Statutes in condemnation proceedings.

H. B. 86, an act to amend Chapter 133 to provide for additional relocation assistance payments for persons displaced by public works projects.

H. B. 158, Committee Substitute for **H. B. 158**, an act to amend Chapter 35 of the General Statutes to allow the parent of a mentally ill or mentally retarded person to petition the court for the sterilization operation of the mentally ill or mentally retarded person.

H. J. R. 215, a joint resolution directing the North Carolina Department of Human Resources to conduct a recodification study of the Public Health Laws of North Carolina.

H. J. R. 306, a joint resolution honoring the life and memory of Clyde Hampton Harriss, Sr.

On motion of Senator Lawing, seconded by Senator Harris, the Senate adjourns to meet tomorrow at 2:10 P.M.

FORTY-SIXTH DAY

SENATE CHAMBER,
Wednesday, March 18, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Howard A. Chubbs, Providence Baptist Church, Greensboro, as follows:

"Our Father and our God, as we, here in this Assembly, bow in reverence, we would lift our voice in praise and adoration for Thine ever present goodness to us; for Thy patience with us as we clumsily grope through life as in a dense fog; for Thy toleration of us when we willfully disobey; and for Thy love of us as Thy children, even though our actions often deny Thy parentage. But most of all, we thank Thee for 'Thine Unspeakable Gift,' our Lord Jesus, the Christ.

"We have come, our Father, from many different parts of the state. Many of us embrace different customs. Many cultural backgrounds are here represented. Our educational experiences differ; but our common origin looms greater than our diversities, for we are Thine two-fold; by nature and by regenerations.

"We thank Thee for this great Nation of ours, that stands as a symbol of the best of human governments to those of the rest of the world who embrace the same aspirations of freedom and justice. We realize our imperfections and those of this system of government, but we pray that they result only from our imperfections as human beings rather than a lack of commitment and devotion to the betterment of society.

"We thank Thee for this State, for our Governor, and for this Assembly whose diligence and dedication to the citizens of North Carolina have created for us a caring and sharing community. Make us always aware of our obligations to conscience and integrity in the performance of our duties as leaders and caretakers of God's great earth. Crown our efforts with success and in the end, we shall be grateful for Thy goodness. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senators Rauch, Soles, and Noble for today and to Senators Rauch and Soles for tomorrow, March 19. A continuing leave of absence is granted to Senator Garrison due to hospitalization. Senator Mills is granted a leave of absence for Friday, March 20.

The President extends courtesies of the floor to the Honorable George Boyce, member of the House of Representatives from the State of Maine.

The President extends courtesies of the floor to Larry B. Leake, former Senator from Buncombe County.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator McDuffie for the **Election Laws Committee**:

S. B. 239, a bill to authorize the county board of elections to set the time and date for return of registration and pollbooks by precinct election officials, with a favorable report.

S. B. 240, a bill to make optional the method of conveyance of the duplicate copy of the precinct return form, with a favorable report.

S. B. 241, a bill to amend the Metropolitan Water Districts Act to conform the elections for water and sewer systems to the general election laws, with a favorable report.

S. B. 242, a bill to authorize the chairman of a county board of elections to administer oaths, with a favorable report.

S. B. 243, a bill to clarify the election laws in sanitary districts and to conform to the general election laws for special districts, with a favorable report.

S. B. 245, a bill to permit precinct election officials to record absentee voters on the registration records prior to the closing of the polls and to authorize legal guardians to make application for absentee ballots, with a favorable report.

S. B. 252, a bill to conform mosquito district elections to the general election laws, with a favorable report, as amended.

S. B. 253, a bill to authorize separate domicile for married women for purpose of voting, with a favorable report.

S. B. 254, a bill to amend Chapter 115 to clarify and conform those provisions relating to elections to the general election laws, with a favorable report.

S. B. 255, a bill to amend the election procedures for public hospitals to conform the various elections therein to the general election laws, with a favorable report.

H. B. 392, a bill to authorize county boards of elections to permit precinct officials to combine ballots in one ballot box or more after counting has been completed, with a favorable report.

By Senator Duncan for the **Finance Committee**.

S. B. 188, a bill to rewrite Article 8D of Chapter 105 of the General Statutes governing the taxation of savings and loan associations in North Carolina, with a favorable report.

On motion of Senator Duncan, the bill is re-referred to the **Ways and Means Committee**.

H. B. 44, a bill to allow nonresidents, filing North Carolina returns, to apportion personal deductions between North Carolina and their states of principal residence to the extent that their states of principal residence allow apportionment of personal deductions by nonresidents filing returns in that state, with a favorable report.

On motion of Senator Duncan, the bill is re-referred to the **Ways and Means Committee**.

H. B. 225, a bill to allow the City of River Bend Plantation to levy ad valorem taxes for the remainder of the 1980-81 fiscal year, with a favorable report.

On motion of Senator Duncan, the bill is placed on the Calendar for Monday, March 23.

By Senator Marion for the **Local Government and Regional Affairs Committee**:

S. B. 231, a bill to allow Hertford County to establish precincts without regard to township boundaries, with a favorable report.

S. B. 244, a bill to allow Cabarrus County to name private roads in unincorporated areas, and simplify the process of naming roads in that County, with a favorable report.

S. B. 257, a bill to incorporate the Town of Beech Mountain, and to authorize its governing board to serve ex officio as the governing board of the Beech Mountain Sanitary District, with a favorable report.

H. B. 164, a bill to allow counties to simplify the provisions for giving notice before changing the name of a road, with a favorable report.

H. B. 232, a bill to provide that elections in the Town of Mooresboro in Cleveland County shall be conducted under the plurality method, with a favorable report.

H. B. 241, a bill to provide that elections in the Town of Belwood in Cleveland County shall be conducted under the plurality method, with a favorable report.

H. B. 246, a bill to allow Onslow County to transfer county personal property to a volunteer fire department or volunteer rescue squad, with a favorable report.

H. B. 325, a bill relating to the letting of public contracts by Mecklenburg County, with a favorable report.

H. B. 326, a bill to allow the Mecklenburg County Board of Commissioners to delegate approval of permits for storage and sale of explosives and the exhibition of pyrotechnics, with a favorable report.

H. B. 345, a bill to permit the City of Lumberton to participate in the Urban Development Action Program and to lend or grant the moneys received from the United States Department of Housing and Urban Development to private developers, with a favorable report.

H. B. 346, a bill to clarify the circumstances under which the City of Lumberton may make local improvements, with a favorable report.

H. B. 347, a bill to allow the City of Lumberton to expand the size of its Board of Building Appeals, with a favorable report.

H. B. 348, a bill to annex contiguous State owned property into the corporate limits of the City of Lumberton, with a favorable report.

H. B. 367, a bill to authorize McDowell County to convey by private sale a tract of land to Marion General Hospital, Incorporated, with a favorable report.

H. B. 379, a bill to permit the City of Goldsboro to convey property necessary for a farmer's market, with a favorable report.

H. B. 382, a bill to permit the City of Henderson to participate in the Urban Development Action Program and to lend or grant the moneys received from the United States Department of Housing and Urban Development to private developers, with a favorable report.

H. B. 386, a bill to allow the City of Kinston to use the provisions of Chapter 136 of the General Statutes in condemnation proceedings, with a favorable report.

H. B. 400, a bill to require consent of the Bladen County Board of Commissioners before land in that County may be condemned or acquired by a unit of local government outside the County, with a favorable report.

By Senator Jenkins for the **Pensions and Retirement Committee**:

S. B. 43, Committee Substitute for **S. B. 43**, a bill to amend the Employment Security Law to restrict retirement payment offsets against unemployment insurance benefits to those retirement payments received under plans contributed to by base period employers, with a favorable report, as amended.

On motion of Senator Jenkins, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted.

On motion of Senator Jenkins, the Committee Substitute bill, as amended, is placed on the Calendar for Tuesday, March 24.

H. B. 59, a bill to increase the maximum Firemen's Supplemental Retirement Benefit in the City of Henderson, with a favorable report.

By Senator Vickery for the **University Board of Governors Committee**:

S. J. R. 193, a joint resolution to establish the procedure for nominating and electing members of the Board of Governors of the University of North Carolina, with a favorable report, as amended.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Alford and Speed:

S. B. 269, a bill relating to zoning in the City of Rocky Mount.
Referred to **Local Government and Regional Affairs Committee**.

By Senators Ballenger and Cavanagh:

S. J. R. 270, a joint resolution urging the Governor to establish an Efficiency Study Commission.
Referred to **Rules and Operation of the Senate Committee**.

By Senator Jenkins:

S. B. 271, a bill to increase the annual exclusion from gross income for federal or armed services retirement pay from three thousand dollars to five thousand dollars.

Referred to **Finance Committee**.

By Senators Palmer, Redman, Jernigan, Mills, Jenkins, Cavanagh, and Wright:

S. J. R. 272, a joint resolution urging the United States Government to seek the return of missing and deceased persons in Southeast Asia.

Referred to **Rules and Operation of the Senate Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 58, a bill to revise and consolidate the Charter of the Town of Troutman and to repeal prior Charter acts.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 197, a bill to amend North Carolina G. S. 50-11(c) to provide that divorce not affect alimony rights.

Referred to **Judiciary III Committee**.

H. B. 319, Committee Substitute for **H. B. 319**, a bill to authorize boards of elections to hold executive sessions after public hearings.

Referred to **Election Laws Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 24, Committee Substitute No. 2 for **S. B. 24**, a bill for equitable distribution of marital property, as amended, upon third reading.

Senator Barnes offers Amendment No. 8 which is adopted.

Senator Swain offers Amendment No. 9 which fails of adoption.

The Committee Substitute bill No. 2, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives.

S. B. 164, a bill to permit the transportation of seed cotton without a covering on the vehicle.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 211, a bill to amend G. S. 136-89.56 to provide for the establishment of logos on controlled access highways.

The bill passes its second reading.

On objection of Senator Allred to its third reading, the bill remains on the Calendar.

S. B. 212, a bill to amend G. S. 136-28.1 to require all contracts over thirty thousand dollars for highway construction or repair to be let on bids.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H. B. 96, Committee Substitute for **H. B. 96**, a bill to amend G. S. 20-24 concerning reports of convictions sent to the Division of Motor Vehicles.

On motion of Senator Barnes, consideration of the Committee Substitute bill is postponed until Tuesday, March 24.

H. B. 262, a bill to allow the Pender County Commissioners to provide for ABC law enforcement.

The bill passes its second and third readings and is ordered enrolled.

H. B. 302, a bill to amend G. S. 20-296 to permit notice by certified mail.

The bill passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 115, an act to allow a Board of County Commissioners to set the per diem of local Boards of Health without restriction.

H. B. 99, Committee Substitute for **H. B. 99**, an act to exempt members of certain boards of education under certain circumstances from the conflict of interest provisions of G. S. 14-234, G. S. 14-236 and G. S. 14-237.

On motion of Senator Lawing, seconded by Senator Daniels, the Senate adjourns to meet tomorrow at 12:30 P.M.

FORTY-SEVENTH DAY

SENATE CHAMBER,
Thursday, March 19, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Ernest Fitzgerald, Pastor of Centenary United Methodist Church, Winston-Salem.

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants a leave of absence to Senator Thomas of Henderson for tomorrow, March 20. A leave of absence granted previously to Senator Garrison is noted. The presence of Senator Rauch and Senator Soles is noted.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Vickery for Senator Soles for the **Judiciary II Committee**:

S. B. 192, a bill to repeal the penalty for willfully conducting nontestimonial identification procedures, with a favorable report.

On motion of Senator Vickery, the bill is placed on the Calendar for Monday, March 23.

S. B. 194, a bill to clarify which vehicles may be equipped with sirens or warning devices, with a favorable report.

On motion of Senator Vickery, the bill is placed on the Calendar for Monday, March 23.

H. B. 211, a bill to restrict the use of Division of Motor Vehicles' drivers' license records, with a favorable report, as amended.

On motion of Senator Vickery, the bill is placed on the Calendar for Monday, March 23.

H. B. 248, Committee Substitute for **H. B. 248**, a bill to establish the crime of forging certain school transcripts or diplomas, with a favorable report, as amended.

On motion of Senator Vickery, the Committee Substitute bill is placed on the Calendar for Monday, March 23.

By Senator Raynor for the **Law Enforcement and Crime Control Committee**:

S. B. 14, a bill to provide that when a vacancy occurs in the office of Sheriff of Buncombe County, the appointing authority shall appoint the person recommended by the county executive committee of the party from which the officer was nominated, with a favorable report.

On motion of Senator Raynor, the bill is placed on the Calendar for Monday, March 23.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Cavanagh, Ballenger, and Baker:

S. B. 273, a bill to permit the use of nonmetallic studs on tires from November through March 15.

Referred to **Transportation Committee**.

By Senator Jernigan:

S. B. 274, a bill to raise the minimum amount of weekly workers' compensation benefits. Referred to **Manufacturing, Labor and Commerce Committee**.

By Senators Jernigan and Baker:

S. B. 275, a bill to increase the amount of funeral benefits in workers' compensation cases.

Referred to **Manufacturing, Labor and Commerce Committee**.

By Senators Kincaid and Baker:

S. B. 276, a bill to revise the Charter of the Town of Granite Falls. Referred to **Local Government and Regional Affairs Committee**.

By Senators Jenkins and Baker:

S. B. 277, a bill to revise punishment of felonies in North Carolina. Referred to **Judiciary I Committee**.

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By Senators Jenkins, Harris, Barnes, and Swain:

S. B. 278, a bill to redefine "mo-ped" to include those without pedals.

Referred to **Judiciary I Committee**.

By Senator Jenkins:

S. B. 279, a bill to amend the Constitution of North Carolina to provide that a defendant in a noncapital criminal case may, with the consent of the State, waive the right to a jury trial if represented by counsel, and to make conforming changes to the General Statutes.

Referred to **Judiciary I Committee**.

By Senator Walker:

S. R. 280, a Senate resolution to urge the President and Congress to consider carefully before limiting Medicaid increases to five percent per year.

On motion of Senator Walker, the rules are suspended and the resolution is placed before the Senate for immediate consideration.

Senator Allsbrook offers Amendment No. 1. Senator Allsbrook calls the previous question. The call is sustained. Amendment No. 1 is adopted.

On motion of Senator Walker, the Senate Resolution, as amended, is adopted. (The text of this resolution appears in the Appendix.)

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 333, a bill to authorize the Division of Archives and History to preserve historically significant information in abandoned cemeteries that is in danger of loss, as recommended by the Abandoned Cemeteries Study Committee.

Referred to **State Government Committee**.

H. B. 334, Committee Substitute for **H. B. 334**, a bill to amend the procedure for judicial review of pupil assignment decisions.

Referred to **Judiciary II Committee**.

H. B. 335, Committee Substitute for **H. B. 335**, a bill to amend the procedure for judicial review of school bus assignment decisions.

Referred to **Judiciary II Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. J. R. 193, a joint resolution to establish the procedure for nominating and electing members of the Board of Governors of the University of North Carolina.

On motion of Senator Vickery, Committee Amendment No. 1 is adopted.

The joint resolution, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 211, a bill to amend G. S. 136-89.56 to provide for the establishment of logos on controlled access highways, upon third reading.

On motion of Senator Allred, consideration of the bill is postponed until Tuesday, March 24.

S. B. 231, a bill to allow Hertford County to establish precincts without regard to township boundaries, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 46.

The bill remains on the Calendar for Monday, March 23, upon third reading.

S. B. 239, a bill to authorize the county board of elections to set the time and date for return of registration and pollbooks by precinct election officials.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 240, a bill to make optional the method of conveyance of the duplicate copy of the precinct return form.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 241, a bill to amend the Metropolitan Water Districts Act to conform the elections for water and sewer systems to the general election laws, upon second reading.

The bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Palmer, Rauch, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 44.

The bill remains on the Calendar for Monday, March 23, upon third reading.

S. B. 242, a bill to authorize the chairman of a county board of elections to administer oaths.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 243, a bill to clarify the election laws in sanitary districts and to conform to the general election laws for special districts, upon second reading.

The bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 44.

The bill remains on the Calendar for Monday, March 23, upon third reading.

S. B. 244, a bill to allow Cabarrus County to name private roads in unincorporated areas, and simplify the process of naming roads in that County.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 245, a bill to permit precinct election officials to record absentee voters on the registration records prior to the closing of the polls and to authorize legal guardians to make application for absentee ballots.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 252, a bill to conform mosquito district elections to the general election laws, upon second reading.

On motion of Senator Jernigan, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, White, Wright, and Wynne — 44.

The bill, as amended, remains on the Calendar for Monday, March 23, upon third reading.

S. B. 253, a bill to authorize separate domicile for married women for purpose of voting.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 254, a bill to amend Chapter 115 to clarify and conform those provisions relating to elections to the general election laws.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 255, a bill to amend the election procedures for public hospitals to conform the various elections therein to the general election laws.

The bill passes its second reading.

On objection of Senator Noble to its third reading the bill remains on the Calendar for Monday, March 23.

S. B. 257, a bill to incorporate the Town of Beech Mountain, and to authorize its governing board to serve ex officio as the governing board of the Beech Mountain Sanitary District, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White Wright, and Wynne — 46.

The bill remains on the Calendar for Monday, March 23, upon third reading.

H. B. 59, a bill to increase the maximum Firemen's Supplemental Retirement Benefit in the City of Henderson.

The bill passes its second and third readings and is ordered enrolled.

H. B. 164, a bill to allow counties to simplify the provisions for giving notice before changing the name of a road.

The bill passes its second and third readings and is ordered enrolled.

H. B. 232, a bill to provide that elections in the Town of Mooresboro in Cleveland County shall be conducted under the plurality method.

The bill passes its second and third readings and is ordered enrolled.

H. B. 241, a bill to provide that elections in the Town of Belwood in Cleveland County shall be conducted under the plurality method.

The bill passes its second and third readings and is ordered enrolled.

H. B. 246, a bill to allow Onslow County to transfer county personal property to a volunteer fire department or volunteer rescue squad.

The bill passes its second and third readings and is ordered enrolled.

H. B. 272, a bill to amend the Charter of the City of Greensboro, as revised and reorganized by Chapter 1137 of the Session Laws of 1959, As Amended, by adding provisions relating to public accommodations, fair housing and equal employment.

On motion of Senator Marion, Committee Amendment No. 1 is adopted.

Senator Frye offers Amendment No. 2 which is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

H. B. 325, a bill relating to the letting of public contracts by Mecklenburg County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 326, a bill to allow the Mecklenburg County Board of Commissioners to delegate approval of permits for storage and sale of explosives and the exhibition of pyrotechnics.

The bill passes its second and third readings and is ordered enrolled.

H. B. 345, a bill to permit the City of Lumberton to participate in the Urban Development Action Program and to lend or grant the moneys received from the United States Department of Housing and Urban Development to private developers.

The bill passes its second and third readings and is ordered enrolled.

H. B. 346, a bill to clarify the circumstances under which the City of Lumberton may make local improvements.

The bill passes its second and third readings and is ordered enrolled.

H. B. 347, a bill to allow the City of Lumberton to expand the size of its Board of Building Appeals.

The bill passes its second and third readings and is ordered enrolled.

H. B. 348, a bill to annex contiguous State owned property into the corporate limits of the City of Lumberton, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 46.

The bill remains on the Calendar for Monday, March 23, upon third reading.

H. B. 367, a bill to authorize McDowell County to convey by private sale a tract of land to Marion General Hospital, Incorporated.

The bill passes its second and third readings and is ordered enrolled.

H. B. 379, a bill to permit the City of Goldsboro to convey property necessary for a farmer's market.

The bill passes its second and third readings and is ordered enrolled.

H. B. 382, a bill to permit the City of Henderson to participate in the Urban Development Action Program and to lend or grant the moneys received from the United States Department of Housing and Urban Development to private developers.

The bill passes its second and third readings and is ordered enrolled.

H. B. 386, a bill to allow the City of Kinston to use the provisions of Chapter 136 of the General Statutes in condemnation proceedings, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 46.

The bill remains on the Calendar for Monday, March 23, upon third reading.

H. B. 392, a bill to authorize county boards of elections to permit precinct officials to combine ballots in one ballot box or more after counting has been completed.

The bill passes its second and third readings and is ordered enrolled.

H. B. 400, a bill to require consent of the Bladen County Board of Commissioners before land in that County may be condemned or acquired by a unit of local government outside the County, upon second reading.

The bill passes its second reading by roll-call vote, ayes 38, noes 9, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Clarke, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Royall, Soles, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wynne — 38.

Voting in the negative: Senators Allred, Baker, Ballenger, Boger, Cavanagh, Cockerham, Kincaid, Redman, and Wright — 9.

The bill remains on the Calendar for Monday, March 23, upon third reading.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 85, an act to amend the definition of user-seller under the Special Fuels Tax Act, and to amend the reporting and record keeping procedures.

H. B. 206, an act to make clarifying amendments to G. S. 14-27.2 and G. S. 14-27.4.

H. B. 262, an act to allow the Pender County Commissioners to provide for ABC law enforcement.

H. B. 302, an act to amend G. S. 20-296 to permit notice by certified mail.

The President designates Senator Allsbrook to preside Friday, March 20.

On motion of Senator Lawing, seconded by Senator Soles, the Senate adjourns to meet tomorrow at 10:00 A.M.

FORTY-EIGHTH DAY

SENATE CHAMBER,
Friday, March 20, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable Julian R. Allsbrook.

Prayer is offered by the Reverend Joe Brown, Pastor of Lovegrove A.M.E. Zion Church, Swann, and a member of the North Carolina State Senate Sergeant-at-Arms staff.

Senator Rauch for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The Chair grants leaves of absence to Senators Royall, Lawing, Jordan, Duncan, Ballenger, and Kincaid, who are attending a Leadership Conference of State Legislators in Washington, D.C., and to Senators Harris, McDuffie, Cockerham, Jenkins, and Wright for today. Leaves of absence granted previously to Senators Mills, Thomas of Henderson, and Garrison are noted.

On motion of Senator Palmer, courtesies of the floor are extended to Michael J. Kogutek, National Commander of the American Legion. Without objection, the rules are suspended to allow Commander Kogutek to address the membership and Senators Palmer and Rauch are appointed to escort him to the Well of the Senate.

The Chair extends courtesies of the floor to the following members of the American Legion Delegation: Fred Corbelt, Bob Tart, Dudley Robbins, Keith Sink, Alvis Carver, Jack Cranford, Marvin Burton, James Benfield, and Charles Bedingfield.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harrington for Senator Lawing for the **Rules and Operation of the Senate Committee**:

H. B. 414, a bill to make Greek Independence Day a State holiday, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Swain and Wright:

S. R. 281, a Senate resolution directing the Senate Committee on Courts and Judicial Districts and Criminal Justice to study the need for additional prison and courtroom facilities and personnel in North Carolina.

Referred to **Courts and Judicial Districts and Criminal Justice Committee**.

By Senators Jernigan and Allred:

S. B. 282, a bill to amend the Employment Security Act to exclude from coverage employees of private church schools or schools of religious charter.

Referred to **Manufacturing, Labor and Commerce Committee**.

By Senator Jordan:

S. B. 283, a bill to broaden the use value tax assessment classification for agricultural, horticultural and forestland owned by corporations.

Referred to **Finance Committee**.

By Senators Baker, Boger, Noble, Mills, Wynne, McDuffie, Wright, Cavanagh, Redman, Allred, Ballenger, Marvin, Kincaid, Harris, Duncan, Smith, Thomas of Craven, Marion, Gray, Raynor, Cockerham, Thomas of Henderson, Clarke, Jernigan, and Speed:

S. B. 284, a bill to increase the penalties for reckless driving and driving under the influence of intoxicating liquor and making the penalties the same.

Referred to **Judiciary II Committee**.

By Senators Jenkins, Noble, McDuffie, Allred, Swain, Clarke, White, Baker, and Wright:

S. B. 285, a bill to establish the Medical Radiation Technology Practice Act.

Referred to **Human Resources Committee**.

By Senators Alford, Speed, Harrington, Daniels, Raynor, Soles, Wright, Allsbrook, White, Mills, Barnes, Thomas of Craven, Warren, Hardison, and Noble:

S. B. 286, a bill to appropriate funds for a vocational training building and equipment at the Eastern North Carolina School for the Deaf.

Referred to **Appropriations Committee**.

By Senator Warren:

S. B. 287, a bill authorizing the Sampson County Board of Education to convey certain real property to the Coharie Intra-Tribal Council, Inc.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Warren and Wright:

S. B. 288, a bill to require reporting of motor vehicle violations committed by juveniles.

Referred to **Judiciary I Committee**.

By Senators Wynne, Johnson, and Creech:

S. B. 289, a bill to provide that the Wake County Board of Education shall be elected in accordance with general law.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Mathis, Raynor, Johnson, Creech, Thomas of Craven, Noble, and Marvin:

S. B. 290, a bill to appropriate funds for educational services for exceptional children.

Referred to **Education Committee**.

By Senators Harris and Wright:

S. B. 291, a bill to amend Article 26 of Chapter 130 of the General Statutes relating to ambulance service.

Referred to **Human Resources Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 321, a bill to amend G. S. 14-33 to provide increased punishment for an assault on school personnel.

Referred to **Judiciary II Committee**.

H. B. 327, a bill to increase the number of members on the Mecklenburg County Alcoholic Control Board from three to five.

Referred to **Alcoholic Beverage Control Committee**.

H. B. 328, a bill to authorize the Board of County Commissioners of Mecklenburg County to appoint special peace officers with limited jurisdiction.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 388, a bill to require Cherokee County to comply with the standard State requirements for recording and filing land maps.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 409, a bill to bring Caswell County under the standard State requirements for recording and filing land maps.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 411, a bill to provide that the mayor and Board of Aldermen of the Town of Robbinsville be elected for four-year terms.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 428, a bill to amend the 1973 Session Laws, Chapter 1283, to empower the Town of Matthews with the same zoning authority as granted Mecklenburg County and the City of Charlotte.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 436, a bill regarding competitive bidding by the Brunswick County Board of Education.

Referred to **Local Government and Regional Affairs Committee**.

On motion of Senator White, seconded by Senator Hardison, the Senate adjourns to meet Monday at 8:00 P.M.

FORTY-NINTH DAY

SENATE CHAMBER,
Monday, March 23, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Robert Fields, Pastor of Hudson Memorial Presbyterian Church, Raleigh as follows:

"Almighty and eternal God, we acknowledge You as Creator God who did fling the stars across the heavens and likewise pour out the rains to water the good earth. We acknowledge You also as Author of life and Father of mankind, whom we have known as personal Lord in our individual religious experiences. In this season which many of us acknowledge to be holy, we pray that You would grant us a vision of holiness to inspire us to be good and guide us to be just. We pray that You will accept the offerings of our best efforts on behalf of the people of the State of North Carolina. Move among us, and move within us to promote the safety, honor, and welfare of all those who call North Carolina home. We make our prayer in our Lord's name. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants a leave of absence to Senator Wynne for tonight through Thursday, March 23 through March 26, and to Senators Harrington, Marion, Rauch, and Mathis for tonight. A leave of absence granted previously to Senator Garrison is noted. Senator Vickery requests to be recorded present.

The President recognizes the following pages serving in the Senate this week: William Carl Adams, Jr., Benson; Christopher Scott Anderson, Raleigh; Holly Elizabeth Dellinger, Kings Mountain; Barbara B. DuRant, Greensboro; Elizabeth Folger, Mt. Airy; Angela Forrest, Vanceboro; Pinkney C. Froneberger III, Gastonia; Kimberly M. Hall, Fayetteville; Joanie Hamrick, Kings Mountain; Janie Cole Jordan, Mt. Gilead; Georgia Kannon, Wendell; Edward Wayne Keeton, Oxford; Patricia McCuiston, High Point; Tom McCuiston, Raleigh; Amy Eleanor Noble, Asheboro; James Schultz, Reidsville; Jeffrey Scott Smith, Raleigh; Natalie Snellings, Raleigh; Annette F. Starnes, Cameron; Shella Sykes, Wallace; and Henry Edward Vail, Jr., Garner.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Mills for the **Banking Committee**:

S. B. 100, a bill to amend G. S. 24-1.2 relating to installment loan rates, including second mortgages, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Mills, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Mills, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, March 24.

S. B. 101, a bill to amend G. S. 24-1.1 relating to contract loan rates, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Mills, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Mills, the Committee Substitute bill is adopted and on his further motion is placed on the Calendar for Tuesday, March 24.

By Senator Harris for the **Human Resources Committee**:

S. B. 249, a bill to amend Chapter 130, Article 21, of the General Statutes relating to postmortem, with a favorable report.

By Senator Jernigan for the **Manufacturing, Labor, and Commerce Committee**:

H. B. 190, a bill to amend the Employment Security Law to conform with federal requirements, to make technical improvements and corrections, and to remove outdated and inconsistent provisions from the law, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Raynor, Daniels, Harrington, Speed, Alford, Garrison, Walker, Palmer, Harris, McDuffie, Royall, Hardison, Mills, Ward, Warren, Thomas of Craven, Cavanagh, Allred, Wright, Redman, Cockerham, Kincaid, Baker, and Marvin:

S. B. 292, a bill to provide minimum sentences for breaking or entering.

Referred to **Law Enforcement and Crime Control Committee**.

By Senators Wright, Cavanagh, Allred, and Redman:

S. J. R. 293, a joint resolution supporting the University of North Carolina's struggle to maintain independence from the Federal Department of Education.

Referred to **Rules and Operation of the Senate Committee**.

By Senator Marion:

S. B. 294, a bill to allow a referendum on repeal of a hospital tax levied under Article 13C of Chapter 131 of the General Statutes.

Referred to **Finance Committee**.

By Senators Cavanagh and Wright:

S. B. 295, a bill to repeal the requirement of an adversary hearing prior to criminal prosecution for dissemination of obscenity.

Referred to **Judiciary I Committee**.

By Senator Ward:

S. B. 296, a bill to create the crime of impersonation of firemen and emergency medical services personnel.

Referred to **Judiciary II Committee**.

By Senators Ward and Cavanagh:

S. B. 297, a bill to authorize the Department of Transportation to lease the right-of-way of Interstate Highway 40 to the City of Winston-Salem for a parking facility.

Referred to **Transportation Committee**.

By Senator Allred:

S. B. 298, a bill to amend the Constitution to allow the General Assembly to authorize a county to exempt itself from the Intangibles Tax.

Referred to **Finance Committee**.

By Senators Allsbrook and White:

S. B. 299, a bill to provide the State's share of funds for construction of the Roanoke Rapids National Guard Armory.

Referred to **Appropriations Committee**.

By Senators Barnes, Hardison, Royall, Harrington, Daniels, Clarke, and Marvin:

S. B. 300, a bill to amend the Constitution of North Carolina to provide for four-year terms for members of the General Assembly and to make conforming changes to other Sections of the Constitution concerning elections for other officers and filling vacancies.

Referred to **Constitutional Amendments Committee**.

By Senator Warren:

S. B. 301, a bill to establish a special conditional probation for persons convicted of making bomb threat calls.

Referred to **Judiciary I Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 145, Committee Substitute for **H. B. 145**, a bill to repeal Subchapter I of Chapter 54 of the General Statutes, relating to building and loan associations, building associations and savings and loan associations; and to repeal Chapter 54A of the General Statutes, relating to stock-owned savings and loan associations; and to enact a new Chapter 54B of the General Statutes to be entitled, "Savings and Loan Associations".

Referred to **Banking Committee**.

H. B. 202, a bill to amend the Charter of the City of Greensboro as revised and reorganized by Chapter 1137 of the Session Laws of 1959, As Amended.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 351, a bill to authorize the creation of joint fire and rescue protection districts within Forsyth County.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 390, Committee Substitute for **H. B. 390**, a bill to provide that beginning in 1984, the Cleveland County Board of Education shall take office in July.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 398, a bill to authorize the qualified voters of the Town of Laurel Park, Henderson County, to determine whether alcoholic beverage control stores may be operated in the Town.

Referred to **Alcoholic Beverage Control Committee**.

H. B. 425, a bill to modify the powers and duties of Cabarrus Memorial Hospital.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 444, a bill to authorize the qualified voters of the Town of Rosman, Transylvania County, to determine whether alcoholic beverage control stores may be operated in the Town.

Referred to **Alcoholic Beverage Control Committee**.

H. B. 464, a bill regarding distribution of mixed beverage profits in New Hanover County.

Referred to **Alcoholic Beverage Control Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 14, a bill to provide that when a vacancy occurs in the office of Sheriff of Buncombe County, the appointing authority shall appoint the person recommended by the county executive committee of the party from which the officer was nominated, with pending Amendment No. 1.

On motion of Senator Swain, pending Amendment No. 1 is withdrawn.

Senator Jenkins offers Amendment No. 2 which is adopted, changing the title to read, **S. B. 14**, a bill to provide that when a vacancy occurs in the office of Sheriff of Buncombe County, and Cabarrus, Iredell and Yadkin Counties, the appointing authority shall appoint the person recommended by the county executive committee of the party from which the officer was nominated.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 192, a bill to repeal the penalty for willfully conducting nontestimonial identification procedures.

On motion of Senator Harris, consideration of the bill is postponed until Tuesday, March 24.

S. B. 194, a bill to clarify which vehicles may be equipped with sirens or warning devices.

On motion of Senator Harris, consideration of the bill is postponed until Tuesday, March 24.

S. J. R. 195, a joint resolution honoring the life and memory of Shearon Harris, a former member of the General Assembly.

The joint resolution passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger.

S. B. 231, a bill to allow Hertford County to establish precincts without regard to township boundaries, upon third reading.

The bill passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Jordan, Kincaid, Lawing, Marvin, McDuffie, Mills, Noble, Palmer, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, and Wright — 41.

The bill is ordered sent to the House of Representatives.

S. B. 241, a bill to amend the Metropolitan Water Districts Act to conform the elections for water and sewer systems to the general election laws, upon third reading.

The bill passes its third reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Jordan, Kincaid, Lawing, Marvin, McDuffie, Noble, Palmer, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, and Wright — 40.

The bill is ordered sent to the House of Representatives.

S. B. 243, a bill to clarify the election laws in sanitary districts and to conform to the general election laws for special districts, upon third reading.

On motion of Senator Allsbrook, consideration of the bill is postponed until Tuesday, March 24.

S. B. 252, a bill to conform mosquito district elections to the general election laws, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Jordan, Kincaid, Lawing, Marvin, McDuffie, Noble, Palmer, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, and Wright — 40.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S. B. 255, a bill to amend the election procedures for public hospitals to conform the various elections therein to the general election laws, upon third reading.

The bill passes its third reading and is ordered sent to the House of Representatives.

S. B. 257, a bill to incorporate the Town of Beech Mountain, and to authorize its governing board to serve ex officio as the governing board of the Beech Mountain Sanitary District, upon third reading.

The bill passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Jordan, Kincaid, Lawing, Marvin, McDuffie, Mills, Noble, Palmer, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, and Wright — 41.

The bill is ordered sent to the House of Representatives.

H. B. 211, a bill to restrict the use of Division of Motor Vehicles' drivers' license records.

On motion of Senator Harris, consideration of the bill is postponed until Tuesday, March 24.

H. B. 225, a bill to allow the City of River Bend Plantation to levy ad valorem taxes for the remainder of the 1980-81 fiscal year, upon second reading.

The bill passes its second reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Jordan, Kincaid, Lawing, Marvin, Mills, Noble, Palmer, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Walker, Ward, Warren, White, and Wright — 38.

The bill remains on the Calendar upon third reading.

H. B. 248, Committee Substitute for **H. B. 248**, a bill to establish the crime of forging certain school transcripts or diplomas, upon second reading.

On motion of Senator Cockerham, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Jordan, Kincaid, Lawing, Marvin, McDuffie, Noble, Palmer, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, and Wright — 40.

The Committee Substitute bill, as amended, remains on the Calendar upon third reading.

H. B. 348, a bill to annex contiguous State owned property into the corporate limits of the City of Lumberton, upon third reading.

The bill passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Jordan, Kincaid, Lawing, Marvin, McDuffie, Mills, Noble, Palmer, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, and Wright — 41.

The bill is ordered enrolled.

H. B. 386, a bill to allow the City of Kinston to use the provisions of Chapter 136 of the General Statutes in condemnation proceedings, upon third reading.

The bill passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Jordan, Kincaid, Lawing, Marvin, McDuffie, Mills, Noble, Palmer, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, and Wright — 41.

The bill is ordered enrolled.

H. B. 400, a bill to require consent of the Bladen County Board of Commissioners before land in that County may be condemned or acquired by a unit of local government outside the County, upon third reading.

On motion of Senator Wright, consideration of the bill is postponed until Tuesday, March 24.

H. B. 414, a bill to make Greek Independence Day a State holiday.

On motion of Senator Lawing, consideration of the bill is postponed until Tuesday, March 24.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 168, an act to allow the Lumberton City School Administrative Unit to convey by private sale part or all of a tract of land to the United States or assigns for construction of a post office.

S. B. 169, an act confirming street assessments in the City of Lumberton.

S. B. 214, an act to authorize the City of Mount Airy to dispose of certain real property by private negotiation and sale.

H. B. 59, an act to increase the maximum Firemen's Supplemental Retirement Benefit in the City of Henderson.

H. B. 164, an act to allow counties to simplify the provisions for giving notice before changing the name of a road.

H. B. 232, an act to provide that elections in the Town of Mooresboro in Cleveland County shall be conducted under the plurality method.

H. B. 241, an act to provide that elections in the Town of Belwood in Cleveland County shall be conducted under the plurality method.

H. B. 246, an act to allow Onslow County to transfer county personal property to a volunteer fire department or volunteer rescue squad.

H. B. 325, an act relating to the letting of public contracts by Mecklenburg County.

H. B. 326, an act to allow the Mecklenburg County Board of Commissioners to delegate approval of permits for storage and sale of explosives and the exhibition of pyrotechnics.

H. B. 345, an act to permit the City of Lumberton to participate in the Urban Development Action Program and to lend or grant the moneys received from the United States Department of Housing and Urban Development to private developers.

H. B. 346, an act to clarify the circumstances under which the City of Lumberton may make local improvements.

H. B. 347, an act to allow the City of Lumberton to expand the size of its Board of Building Appeals.

H. B. 367, an act to authorize McDowell County to convey by private sale a tract of land to Marion General Hospital, Incorporated.

H. B. 379, an act to permit the City of Goldsboro to convey property necessary for a farmer's market.

H. B. 382, an act to permit the City of Henderson to participate in the Urban Development Action Program and to lend or grant the moneys received from the United States Department of Housing and Urban Development to private developers.

H. B. 392, an act to authorize county boards of elections to permit precinct officials to combine ballots in one ballot box or more after counting has been completed.

On motion of Senator Lawing, seconded by Senator Alford, the Senate adjourns in memory of Shearon Harris, former Principal Clerk of the North Carolina House of Representatives and former Representative from Stanly County, to meet tomorrow at 1:30 P.M.

FIFTIETH DAY

SENATE CHAMBER,
Tuesday, March 24, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by Dr. Roger V. Elliott, Camp Ground United Methodist Church, Fayetteville, as follows:

"Our Father, as this Session of the Senate convenes, we pause before You to put our priorities and purposes in proper order. Grant to these Senators, Gracious Lord, for the welfare of Your people—wisdom, courage and competence. Let the decisions they make be informed by the intellect and tempered by the heart. Give them the courage to seek what is right rather than what is expedient and, Heavenly Father, let the implementation of their decisions be administered with justice and equanimity for all.

"Finally, help us to realize that we who lead in whatever capacity are expected to be servants rather than to be served. Give us fidelity to this purpose. Print indelibly upon

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our hearts the motto of this good State—"To Be Rather Than To Seem." These things we pray in Your Holy Name. Amen,"

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants a leave of absence to Senator Mathis for today. Leaves of absence granted previously to Senators Garrison and Wynne are noted.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator White for the **Agriculture Committee**:

S. B. 139, a bill to revoke the power of the Milk Commission to fix milk prices, with an unfavorable report.

S. B. 180, a bill to appropriate funds for a farmer's market in Montgomery County, with a favorable report.

On motion of Senator White, the bill is re-referred to the **Appropriations Committee**.

S. B. 181, a bill to appropriate funds to the Department of Agriculture for an addition to the Rollins Animal Disease Diagnostic Laboratory, with a favorable report.

On motion of Senator White, the bill is re-referred to the **Appropriations Committee**.

S. B. 182, a bill to appropriate funds to the Department of Agriculture to provide for the testing of grain moisture meters, with a favorable report.

On motion of Senator White, the bill is re-referred to the **Appropriations Committee**.

By Senator Soles for the **Judiciary II Committee**:

H. B. 334, Committee Substitute for **H. B. 334**, a bill to amend the procedure for judicial review of pupil assignment decisions, with a favorable report.

H. B. 335, Committee Substitute for **H. B. 335**, a bill to amend the procedure for judicial review of school bus assignment decisions, with a favorable report.

By Senator Creech for the **Judiciary III Committee**:

S. B. 135, a bill to require that the conveyance of property used for hazardous waste storage or disposal contain notice of such use, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Creech, the rules are suspended and the Committee Substitute bill, which changes the title to read **S. B. 135**, Committee Substitute for **S. B. 135**, a bill to require that the conveyance of property used for waste disposal contain notice of such use, is placed before the Senate for immediate consideration.

On motion of Senator Creech, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, March 26.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 301, a bill to amend G. S. 20-64 concerning refunds for unexpired registration plates.

Referred to **Transportation Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 43, Committee Substitute for **S. B. 43**, a bill to amend the Employment Security Law to restrict retirement payment offsets against unemployment insurance benefits to those retirement payments received under plans contributed to by base period employers, as amended.

On motion of Senator Jenkins, consideration of the Committee Substitute bill, as amended, is postponed until Tuesday, March 31.

S. B. 100, Committee Substitute for **S. B. 100**, a bill to amend G. S. 24-1.2 relating to installment loan rates, including second mortgages.

Without objection, the following Senators are excused from voting for the stated reasons:

Senator Frye: "I am an Executive Officer and employee of a bank. These bills directly affect the rate of interest that a bank may charge on loans."

Senator White: "Conflict of interest."

Senator Vickery offers Amendment No. 1. Senator Mills calls the previous question, seconded by Senator Harris. The call is sustained. Amendment No. 1 fails of adoption.

Senator Vickery offers Amendment No. 2 which fails of adoption.

The Committee Substitute bill passes its second reading.

Senator Vickery objects to the third reading of the Committee Substitute bill.

Senator Mills moves that the rules be suspended to allow consideration of the Committee Substitute bill upon third reading. The motion fails to prevail.

Without objection, Senator Vickery withdraws his objection to the third reading of the Committee Substitute bill.

The Committee Substitute bill passes its third reading and is ordered sent to the House of Representatives.

S. B. 101, Committee Substitute for **S. B. 101**, a bill to amend G. S. 24-1.1 relating to contract loan rates.

Without objection, the following Senators are excused from voting for the stated reasons:

Senator Frye: "I am an Executive Officer and employee of a bank. These bills directly affect the rate of interest that a bank may charge on loans."

Senator White: "Conflict of interest."

Senator Vickery offers Amendment No. 1 which fails of adoption.

Senator Vickery offers Amendment No. 2 which fails of adoption.

The Committee Substitute bill passes its second reading.

Senator Vickery objects to the third reading of the Committee Substitute bill.

Senator Mills moves that the rules be suspended to allow consideration of the Committee Substitute bill upon third reading. The motion fails to prevail.

Without objection, Senator Vickery withdraws his objection to the third reading of the Committee Substitute bill.

The Committee Substitute bill passes its third reading and is ordered sent to the House of Representatives.

S. B. 192, a bill to repeal the penalty for willfully conducting nontestimonial identification procedures.

The bill passes its second reading.

On objection of Senator Vickery to its third reading, the bill remains on the Calendar.

S. B. 194, a bill to clarify which vehicles may be equipped with sirens or warning devices.

The Chair appoints a Select Committee, to study the bill and report to the Senate, as follows: Senators Allsbrook, Chairman; Vickery, Daniels, Soles, Clarke, and Swain.

The Chair re-refers the bill to the Select Committee.

S. B. 211, a bill to amend G. S. 136-89.56 to provide for the establishment of logos on controlled access highways, upon third reading.

Senator Allred offers Amendment No. 1 which fails of adoption.

The bill passes its third reading and is ordered sent to the House of Representatives.

S. B. 243, a bill to clarify the election laws in sanitary districts and to conform to the general election laws for special districts, upon third reading.

On motion of Senator McDuffie, consideration of the bill is postponed until Wednesday, March 25.

S. B. 249, a bill to amend Chapter 130, Article 21, of the General Statutes relating to postmortem.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H. B. 96, Committee Substitute for **H. B. 96**, a bill to amend G. S. 20-24 concerning reports of convictions sent to the Division of Motor Vehicles.

On motion of Senator Barnes, consideration of the Committee Substitute bill is postponed until Thursday, March 26.

H. B. 190, a bill to amend the Employment Security Law to conform with federal requirements, to make technical improvements and corrections, and to remove outdated and inconsistent provisions from the law.

Without objection, Senator Redman is excused from voting for the following reason: "Possible conflict of interest."

The bill passes its second reading.

On objection of Senator Jordan to its third reading, the bill remains on the Calendar.

H. B. 211, a bill to restrict the use of Division of Motor Vehicles' drivers' license records.

On motion of Senator Johnson, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 225, a bill to allow the City of River Bend Plantation to levy ad valorem taxes for the remainder of the 1980-81 fiscal year, upon third reading.

The bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wright — 46.

The bill is ordered enrolled.

H. B. 248, Committee Substitute for **H. B. 248**, a bill to establish the crime of forging certain school transcripts or diplomas, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, McDuffie, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wright — 45.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 400, a bill to require consent of the Bladen County Board of Commissioners before land in that County may be condemned or acquired by a unit of local government outside the County, upon third reading.

The bill passes its third reading by roll-call vote, ayes 41, noes 3, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Jordan, Kincaid, Lawing, Marion, Marvin, McDuffie, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, and White — 41.

Voting in the negative: Senators Ballenger, Boger, and Wright — 3.

The bill is ordered enrolled.

H. B. 414, a bill to make Greek Independence Day a State holiday.

The bill passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 74, Committee Substitute for **S. B. 74**, an act to redefine the corporate limits of the City of Morganton.

S. B. 161, an act to allow the Town of Fairmont to collect on motor vehicles a tax of not more than five dollars.

S. J. R. 195, a joint resolution honoring the life and memory of Shearon Harris, a former member of the General Assembly.

H. B. 348, an act to annex contiguous State owned property into the corporate limits of the City of Lumberton.

H. B. 386, an act to allow the City of Kinston to use the provisions of Chapter 136 of the General Statutes in condemnation proceedings.

On motion of Senator Royall, seconded by Senator Hancock, the Senate adjourns to meet tomorrow at 1:30 P.M.

FIFTY-FIRST DAY

SENATE CHAMBER,
Wednesday, March 25, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Wallace Kirby, Edenton Street United Methodist Church, Raleigh.

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants a leave of absence to Senator Frye for today. Leaves of absence granted previously to Senators Garrison and Wynne are noted.

APPOINTMENT OF SELECT COMMITTEE

The President appoints the following Select Committee:

SELECT COMMITTEE ON PUBLIC SCHOOL ALLOTMENTS AND EXPENDITURES: Senators Royall, Chairman; Hardison, Harrington, Harris, and Smith.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Duncan for the **Finance Committee**:

S. B. 12, a bill to increase both the Homestead Exemption for elderly or disabled persons and the qualifying income limit, with a favorable report.

On motion of Senator Duncan, the bill is re-referred to the **Ways and Means Committee**.

S. B. 114, Committee Substitute for **S. B. 114**, a bill to amend Chapter 106, Article 50 of the General Statutes, Promotion of Use and Sale of Agricultural Products, with regard to the research and promotion programs of the American Dairy Association of North Carolina, with a favorable report.

S. B. 226, a bill to provide for the Department of Natural Resources and Community Development to charge admission fees to the North Carolina Zoological Park, with a favorable report.

By Senator Marion for the **Local Government and Regional Affairs Committee**:

S. B. 259, a bill regarding competitive bidding by the Brunswick County Board of Education, with a favorable report.

S. B. 269, a bill relating to zoning in the City of Rocky Mount, with a favorable report.

S. B. 276, a bill to revise the Charter of the Town of Granite Falls, with a favorable report.

S. B. 287, a bill authorizing the Sampson County Board of Education to convey certain real property to the Coharie Intra-Tribal Council, Inc., with a favorable report.

H. B. 58, a bill to revise and consolidate the Charter of the Town of Troutman and to repeal prior Charter acts, with a favorable report.

H. B. 328, a bill to authorize the Board of County Commissioners of Mecklenburg County to appoint special peace officers with limited jurisdiction, with a favorable report.

H. B. 343, Committee Substitute for **H. B. 343**, a bill exempting from the provision of Article 12, Chapter 160A, of the General Statutes of North Carolina, certain counties as to leases or sales of real estate owned, or hereafter owned by it, as an industrial park, or for the purposes of industrial development, with a favorable report.

H. B. 351, a bill to authorize the creation of joint fire and rescue protection districts within Forsyth County, with a favorable report.

H. B. 388, a bill to require Cherokee County to comply with the standard State requirements for recording and filing land maps, with a favorable report.

H. B. 390, Committee Substitute for **H. B. 390**, a bill to provide that beginning in 1984, the Cleveland County Board of Education shall take office in July, with a favorable report.

H. B. 409, a bill to bring Caswell County under the standard State requirements for recording and filing land maps, with a favorable report.

H. B. 428, a bill to amend the 1973 Session Laws, Chapter 1283, to empower the Town of Matthews with the same zoning authority as granted Mecklenburg County and the City of Charlotte, with a favorable report.

By Senator Thomas of Craven for the **Natural and Economic Resources and Wildlife Committee**:

S. B. 170, a bill to extend the hours during which the intentional sweeping of game lands with lights and the intentional shining of lights on deer are prohibited in Rowan County, with a favorable report, as amended.

S. B. 174, a bill to prohibit deer hunting with centerfire rifles in Cabarrus County, with a favorable report.

By Senator Barnes for the **State Government Committee**:

S. B. 149, a bill to authorize the Department of Administration to consent to or deny permission for the annexation of State-owned lands into municipalities, with a favorable report, as amended.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Marvin:

S. B. 302, a bill to amend exemption procedures and to amend laboratory fees under the Drinking Water Act.

Referred to **Natural and Economic Resources and Wildlife Committee**.

By Senator Marvin:

S. B. 303, a bill to amend G. S. 130-166.54(a) of the Drinking Water Act.

Referred to **Natural and Economic Resources and Wildlife Committee**.

By Senator Creech:

S. B. 304, a bill to establish priorities and procedures for disbursement of funds by clerks of court.

Referred to **Courts and Judicial Districts and Criminal Justice Committee**.

By Senators Jenkins, White, Jordan, and Creech:

S. B. 305, a bill to provide a more efficient and effective administrative rule-making system and to establish a State register.

Referred to **State Government Committee**.

By Senator Warren:

S. B. 306, a bill to provide for requesting and giving notice of a second primary.

Referred to **Election Laws Committee**.

By Senator Warren:

S. B. 307, a bill to provide an additional deputy clerk in Johnston County and an additional deputy clerk in Sampson County.

Referred to **Courts and Judicial Districts and Criminal Justice Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 305, a bill to permit fox trapping under certain conditions in Rowan County.

Referred to **Natural and Economic Resources and Wildlife Committee**.

H. B. 350, a bill to expressly provide that private security officers are competent, compellable witnesses in legal proceedings as recommended by the General Statutes Commission.

Referred to **Judiciary II Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 192, a bill to repeal the penalty for willfully conducting nontestimonial identification procedures, upon third reading.

On motion of Senator Soles, consideration of the bill is postponed until Thursday, March 26.

S. B. 243, a bill to clarify the election laws in sanitary districts and to conform to the general election laws for special districts, upon third reading.

The bill passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Daniels, Duncan, Gray, Hancock, Harrison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, and Wright — 45.

The bill is ordered sent to the House of Representatives.

H. B. 190, a bill to amend the Employment Security Law to conform with federal requirements, to make technical improvements and corrections, and to remove outdated and inconsistent provisions from the law, upon third reading.

Without objection, Senator Redman is excused from voting for the following reason: "Possible conflict of interest."

Senator Royall offers Amendment No. 1 which is adopted.

The bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 334, Committee Substitute for **H. B. 334**, a bill to amend the procedure for judicial review of pupil assignment decisions.

On motion of Senator Swain, consideration of the Committee Substitute bill is postponed until Thursday, March 26.

H. B. 335, Committee Substitute for **H. B. 335**, a bill to amend the procedure for judicial review of school bus assignment decisions.

On motion of Senator Hancock, consideration of the Committee Substitute bill is postponed until Thursday, March 26.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 82, an act to delete references to Municipal Health Departments.

S. B. 90, an act to delete mention of "publicly soliciting alms" in connection with eligibility for aid to the needy blind.

H. B. 225, an act to allow the City of River Bend Plantation to levy ad valorem taxes for the remainder of the 1980-81 fiscal year.

H. B. 272, an act to amend the Charter of the City of Greensboro, as revised and reorganized by Chapter 1137 of the Session Laws of 1959, as amended, by adding provisions relating to public accommodations, fair housing and equal employment.

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H. B. 400, an act to require consent of the Bladen County Board of Commissioners before land in that County may be condemned or acquired by a unit of local government outside the County.

H. B. 414, an act to make Greek Independence Day a State holiday.

On motion of Senator Lawing, seconded by Senator Clarke, the Senate adjourns to meet tomorrow at 1:30 P.M.

FIFTY-SECOND DAY

SENATE CHAMBER,
Thursday, March 26, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by Dr. Russell Cherry, Pastor of First Baptist Church, Lumberton, as follows:

"Eternal God, Our Father, we know that we, by ourselves, are not sufficient for these days. Our problems and concerns are greater than the measure of our best wisdom. Give us open minds and hearts that we may receive and welcome Your revelations to us: Give us the courage to stand for convictions and things that really count: Give us tolerance for the views of others. Prepare the hearts and minds of this Body for the business of this Session, that they may exhibit true courtesy and honor. So may we all do the best we can, by Thy help, through Jesus Christ Our Lord. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senator Thomas of Craven for today and to Senator Gray for tomorrow, March 27. Leaves of absence granted previously to Senators Garrison and Wynne are noted.

The President extends courtesies of the gallery to Charles Larkins, former Senator from Lenoir County.

REPORT TO THE PRESIDENT OF THE SENATE

By Senator Barnes for the **State Government Committee**:

The Committee on State Government has approved the recommendation of the North Carolina Governmental Evaluation Commission that the provisions of G. S. Chapter 90, Article 11, entitled "**Veterinarians**" be continued with modification of the relevant statutes (G. S. 143-34.16(b)), with recommendation for adoption.

RE-REFERRALS

S. B. 284, a bill to increase the penalties for reckless driving and driving under the influence of intoxicating liquor and making the penalties the same.

Without objection, the Chair directs that the bill be taken from the **Judiciary II Committee** and re-referred to the **Judiciary I Committee**.

S. B. 299, a bill to provide the State's share of funds for construction of the Roanoke Rapids National Guard Armory.

On motion of Senator Allsbrook the rules are suspended, and the bill is taken from the **Appropriations Committee** and re-referred to the **Veterans and Military Affairs Committee**.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Frye (Vice-Chairman), for the **Higher Education Committee**:

H. B. 77, Committee Substitute for **H. B. 77**, a bill to rewrite Article 4 and certain sections of Article 3 of Chapter 115D of the General Statutes, Community College Laws, with a favorable report.

By Senator Raynor for the **Law Enforcement and Crime Control Committee**:

S. B. 262, a bill regarding confiscation and disposition of deadly weapons in Cumberland County, with a favorable report.

By Senator Lawing for the **Rules and Operation of the Senate Committee**:

S. R. 258, a Senate resolution commending Lieutenant Governor Jimmy Green, with a favorable report for adoption.

S. J. R. 270, a joint resolution urging the Governor to establish an Efficiency Study Commission, with a favorable report.

On motion of Senator Lawing, the joint resolution is re-referred to the **Ways and Means Committee**.

S. J. R. 272, a joint resolution urging the United States Government to seek the return of missing and deceased persons in Southeast Asia, with a favorable report.

H. B. 245, a bill to extend the corporate limits of the Town of Bath in Beaufort County, with a favorable report.

H. J. R. 320, a joint resolution joining Governor James B. Hunt, Jr. in urging the National Park Service to save the Historic Cape Hatteras Lighthouse, with a favorable report.

By Senator Mills for the **Banking Committee**:

S. B. 213, a bill to amend G. S. 25A-15 relating to rates for consumer credit, with a favorable report, as amended.

By Senator Barnes for the **State Government Committee**:

H. B. 300, a bill to amend Chapter 90, Article 11, of the General Statutes relating to veterinarians, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Daniels, Harrington, Thomas of Craven, Mills, and Soles:

S. B. 308, a bill to appropriate funds for the continuation of ferry service at present levels of service.

Referred to **Transportation Committee**.

By Senators Ward and Cavanagh:

S. B. 309, a bill appropriating funds to the Department of Cultural Resources for the use of Old Salem in interpreting the history and culture of Eighteenth Century Piedmont North Carolina for school children with adult visitors.

Referred to **Appropriations Committee**.

By Senator Thomas of Henderson:

S. B. 310, a bill to prohibit counties or cities from collecting inspection fees after a vehicle providing electrical power for amusement devices has been inspected by the Department of Labor.

Referred to **Finance Committee**.

By Senator Garrison:

S. B. 311, a bill to allocate all of the State ceiling for tax exempt mortgage subsidy bonds to the North Carolina Housing Finance Agency.

Referred to **Finance Committee**.

By Senator Barnes:

S. B. 312, a bill to prohibit the possession, whether openly or concealed, of any weapon while on any State property.

Referred to **State Government Committee**.

By Senators Rauch, Speed, Barnes, Cavanagh, Wright, Ballenger, Duncan, Thomas of Craven, Harrington, Allred, Royall, Hardison, Mills, Warren, Soles, Allsbrook, Gray, Palmer, Boger, and Raynor:

S. B. 313, a bill to establish senatorial districts and to apportion seats in the Senate among the districts.

Referred to **Redistricting - Senate Committee**.

By Senators Ballenger and Redman:

S. B. 314, a bill to increase payments from the Supplemental Retirement Fund for firemen in the City of Hickory and to allow expenses to be paid from the fund.

Referred to **Pensions and Retirement Committee**.

By Senator Cockerham:

S. B. 315, a bill to validate certain acts of notaries.

Referred to **Judiciary II Committee**.

By Senators Clarke and Swain:

S. B. 316, a bill to appropriate funds for the Young Men's Institute Building in Asheville, Buncombe County.

Referred to **Appropriations Committee**.

By Senator Noble:

S. B. 317, a bill to increase insurance companies' gross premiums tax on amounts collected for automobile coverage.

Referred to **Finance Committee**.

By Senator Smith and White:

S. J. R. 318, a joint resolution honoring the life of Odell Sapp, a former District Court Judge and State Senator.

Referred to **Rules and Operation of the Senate Committee**.

By Senators Redman and Noble:

S. B. 319, a bill to abolish Regional Education Centers.

Referred to **Education Committee**.

By Senators McDuffie, Rauch, Swain, Jernigan, Boger, Baker, Raynor, Allred, Wright, Cavanagh, Thomas of Henderson, and Redman:

S. B. 320, a bill to amend the Constitution of North Carolina to reserve to the people the right of initiative and referendum.

Referred to **Constitutional Amendments Committee**.

By Senator Allred:

S. B. 321, a bill to permit recovery of a posted service charge for returned checks.

Referred to **Judiciary I Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 133, a bill to increase the membership of the Private Protective Services Board by two, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow, March 27.

H. B. 281, a bill to continue Chapter 113A, Article 4, the Sedimentation Pollution Control Act of 1973.

Referred to **Natural and Economic Resources and Wildlife Committee**.

H. B. 282, a bill to limit the term of office of members of the Sedimentation Control Commission.

Referred to **Natural and Economic Resources and Wildlife Committee**.

H. B. 374, a bill to eliminate the Parole Commission from work release decisions. Referred to **Law Enforcement and Crime Control Committee**.

H. B. 416, a bill to validate certain corporate deeds executed without the corporate seal.

Referred to **Judiciary I Committee**.

H. B. 458, a bill to increase the tort claim settlement authority of the Attorney General from three thousand dollars to five thousand dollars.

Referred to **Judiciary II Committee**.

H. B. 481, a bill authorizing the Sampson County Board of Education to convey certain real property to the Coharie Intra-Tribal Council, Inc.

On motion of Senator Warren, the rules are suspended, and the bill is placed on the Calendar for today, immediately preceding **S. B. 287**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 114, Committee Substitute for **S. B. 114**, a bill to amend Chapter 106, Article 50 of the General Statutes, Promotion of Use and Sale of Agricultural Products, with regard to the research and promotion programs of the American Dairy Association of North Carolina, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wright — 46.

The Committee Substitute bill remains on the Calendar upon third reading.

S. B. 135, Committee Substitute for **S. B. 135**, a bill to require that the conveyance of property used for waste disposal contain notice of such use.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 149, a bill to authorize the Department of Administration to consent to or deny permission for the annexation of State-owned lands into municipalities, upon second reading.

On motion of Senator Royall, Committee Amendment No. 1 is adopted, changing the title to read **S. B. 149**, a bill to authorize the Department of Administration to petition for the annexation of State-owned lands into municipalities.

The bill, as amended, passes its second reading by roll-call vote, ayes 45, noes 1, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harrington, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Noble, Palmer, Rauch, Raynor, Redman, Royall,

Smith, Soles, Speed, Swain, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wright — 45.

Voting in the negative: Senator Harris — 1.

The bill, as amended, remains on the Calendar upon third reading.

S. B. 170, a bill to extend the hours during which the intentional sweeping of game lands with lights and the intentional shining of lights on deer are prohibited in Rowan County.

On motion of Senator Mills, Committee Amendment No. 1 is adopted, changing the title.

The bill, as amended, passes its second reading.

Senator Allred offers Amendment No. 2 which is adopted, further changing the title to read **S. B. 170**, a bill to extend the hours during which the intentional sweeping of game lands with lights and intentional shining of lights on deer are prohibited in Alamance, Cabarrus, Randolph, Rockingham, Rowan, and Wilkes Counties.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives.

S. B. 174, a bill to prohibit deer hunting with centerfire rifles in Cabarrus County.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 192, a bill to repeal the penalty for willfully conducting nontestimonial identification procedures, upon third reading.

On motion of Senator Vickery, the bill is recommitted to the **Judiciary II Committee**.

S. B. 226, a bill to provide for the Department of Natural Resources and Community Development to charge admission fees to the North Carolina Zoological Park.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 259, a bill regarding competitive bidding by the Brunswick County Board of Education.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 269, a bill relating to zoning in the City of Rocky Mount.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 276, a bill to revise the Charter of the Town of Granite Falls, upon second reading.

On motion of Senator Kincaid, the bill is recommitted to the **Local Government Committee**.

H. B. 481, a bill authorizing the Sampson County Board of Education to convey certain real property to the Coharie Intra-Tribal Council, Inc.

The bill passes its second and third readings and is ordered enrolled.

S. B. 287, a bill authorizing the Sampson County Board of Education to convey certain real property to the Coharie Intra-Tribal Council, Inc.

On motion of Senator Warren, duly seconded, consideration of the bill is postponed indefinitely.

H. B. 58, a bill to revise and consolidate the Charter of the Town of Troutman and to repeal prior Charter acts, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, Mills, Noble, Palmer, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wright — 45.

The bill remains on the Calendar upon third reading.

H. B. 96, Committee Substitute for **H. B. 96**, a bill to amend G. S. 20-24 concerning reports of convictions sent to the Division of Motor Vehicles.

On motion of Senator Barnes, the Committee Substitute bill is re-referred to the **State Government Committee**.

H. B. 328, a bill to authorize the Board of County Commissioners of Mecklenburg County to appoint special peace officers with limited jurisdiction.

The bill passes its second and third readings and is ordered enrolled.

H. B. 334, Committee Substitute for **H. B. 334**, a bill to amend the procedure for judicial review of pupil assignment decisions.

Senator Hancock offers Amendment No. 1 which is adopted.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 335, Committee Substitute for **H. B. 335**, a bill to amend the procedure for judicial review of school bus assignment decisions.

Senator Hancock offers Amendment No. 1 which is adopted.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 343, Committee Substitute for **H. B. 343**, a bill exempting from the provision of Article 12, Chapter 160A, of the General Statutes of North Carolina, certain counties as to leases or sales of real estate owned, or hereafter owned by it, as an industrial park, or for the purposes of industrial development.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 351, a bill to authorize the creation of joint fire and rescue protection districts within Forsyth County, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, Mills, Noble, Palmer, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wright — 45.

The bill remains on the Calendar upon third reading.

H. B. 388, a bill to require Cherokee County to comply with the standard State requirements for recording and filing land maps.

The bill passes its second and third readings and is ordered enrolled.

H. B. 390, Committee Substitute for **H. B. 390**, a bill to provide that beginning in 1984, the Cleveland County Board of Education shall take office in July.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 409, a bill to bring Caswell County under the standard State requirements for recording and filing land maps.

The bill passes its second and third readings and is ordered enrolled.

H. B. 428, a bill to amend the 1973 Session Laws, Chapter 1283, to empower the Town of Matthews with the same zoning authority as granted Mecklenburg County and the City of Charlotte.

On motion of Senator Lawing, consideration of the bill is postponed until Tuesday, March 31.

On motion of Senator Lawing, seconded by Senator Mills, the Senate adjourns to meet tomorrow at 11:00 A.M.

FIFTY-THIRD DAY

SENATE CHAMBER,
Friday, March 27, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Father in Heaven: As we struggle with budgets that won't balance and ends that will not meet, remind us of our neighbors near at hand and far away who also struggle. Do not let us become indifferent to the elderly widow on our block, the unemployed worker waiting for a job in silent desperation, and the young mother in central Africa who cannot feed her children. We thank You that we live in such a wealthy nation, but ask that You will keep us from becoming spoiled by our success or blinded by our bounty. Give us hearts that care, and minds that are full of compassion as we seek to stretch the resources of this planet to do the greatest good for the greatest number of Your children, our brothers and sisters. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senators Allsbrook and Jenkins for today. Leaves of absence granted previously to Senators Gray and Garrison are noted.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Marion for the **Local Government and Regional Affairs Committee**:

H. B. 202, a bill to amend the Charter of the City of Greensboro as revised and reorganized by Chapter 1137 of the Session Laws of 1959, As Amended, with a favorable report.

By Senator Jernigan for the **Manufacturing, Labor and Commerce Committee**:

S. B. 205, a bill to clarify the amount of weekly benefits under the Workers' Compensation Act, with a favorable report.

S. B. 206, a bill to extend time limitations for filing asbestosis, silicosis, and lead poisoning cases, with a favorable report, as amended.

S. B. 207, a bill to clarify provisions regarding payment of medical expenses in occupational disease cases, with a favorable report.

S. B. 274, a bill to raise the minimum amount of weekly workers' compensation benefits, with a favorable report.

S. B. 275, a bill to increase the amount of funeral benefits in workers' compensation cases, with a favorable report.

S. B. 282, a bill to amend the Employment Security Act to exclude from coverage employees of private church schools or schools of religious charter, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Cockerham:

S. B. 322, a bill stating that certain school employees who, in good faith, report drug and alcohol abuse shall not be liable for civil damages.

Referred to **Judiciary II Committee**.

By Senator Barnes:

S. B. 323, a bill to authorize any judge or justice of the General Court of Justice to perform wedding ceremonies.

Referred to **State Government Committee**.

By Senators Creech, Noble, and Alford:

S. B. 324, a bill to facilitate the prosecution of marijuana offenses by expanding District Court jurisdiction.

Referred to **Judiciary III Committee**.

By Senators Creech, Noble, and Alford:

S. B. 325, a bill to allow appeals by the State on important questions of law in criminal cases.

Referred to **Judiciary III Committee**:

By Senators Creech, Noble, and Alford:

S. B. 326, a bill to require that objections to jury instructions be made at the time of trial in order to preserve appellate review.

Referred to **Judiciary III Committee**.

By Senators Creech, Noble, and Alford:

S. B. 327, a bill to provide for remand of a criminal case to District Court when the defendant fails to appear for trial *de novo*.

Referred to **Judiciary III Committee**.

By Senators Creech, Noble, and Alford:

S. B. 328, a bill to require a chemical test analyst to be available in District Court only on the defendant's request.

Referred to **Judiciary III Committee**.

By Senators Rauch, Harrington, Harris, Duncan, Ballenger, Swain, Marvin, Garrison, Mills, Speed, Thomas of Henderson, Soles, Barnes, Wright, Baker, Allred, Alford, Boger, Cavanagh, Raynor, Cockerham, Smith, Redman, Mathis, Kincaid, and Wynne:

S. B. 329, a bill to create an income tax credit for ad valorem tax paid on inventories.

Referred to **Finance Committee**.

By Senator Harrington:

S. B. 330, a bill to repeal Part 3, Article 10 of Chapter 143B of the General Statutes which established the Labor Force Development Council.

Referred to **Manufacturing, Labor and Commerce Committee**.

By Senator Harrington:

S. B. 331, a bill to provide that the chairman of the Employment Security Commission serve at the pleasure of the Governor.

Referred to **Manufacturing, Labor and Commerce Committee**.

By Senator Walker:

S. B. 332, a bill to eliminate the application and deferral requirements from the ad valorem taxation of historic property.

Referred to **Finance Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 113, a bill to amend the Firemen's Relief Fund Law.

Referred to **Pensions and Retirement Committee**.

H. B. 240, a bill to provide a supplemental retirement fund for firemen in the Town of Edenton.

Referred to **Pensions and Retirement Committee**.

H. B. 277, a bill to amend certain provisions of Chapter 62 of the General Statutes, the Public Utilities Act.

Referred to **Public Utilities and Energy Committee**.

H. B. 307, a bill to extend the life of the Land Records Management Program in the Department of Administration from July 1, 1981, to July 1, 1991.

Referred to **State Government Committee**.

H. B. 308, a bill to add contractual services to the list of responsibilities of the Purchase and Contract Division and to increase the formal bid requirement to five thousand dollars.

Referred to **State Government Committee**.

H. B. 377, a bill to adopt a comparative fault system.

Referred to **Judiciary III Committee**.

H. B. 422, a bill to provide for the membership of the Beech Mountain Sanitary District Board of Commissioners.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 443, a bill to provide that the sheriff issue Currituck County pistol permits.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 452, a bill to allow the Concord City and Cabarrus County Boards of Education to jointly set the boundaries of the Concord City School Administrative Unit.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 467, a bill to allow the Wilkes County Board of Education to convey a tract of land.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 476, a bill to provide for staggered four-year terms for the Elkin Town Board of Commissioners in 1981, and increase the term of the mayor to four years in 1983, and to delete obsolete Charter provisions.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 489, a bill to allow Mecklenburg County to appropriate funds other than ad valorem tax funds for certain programs.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 500, a bill to allow the City of Kinston and Lenoir County to acquire land for industrial development and dispose of same without public sale.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 502, a bill authorizing the Greensboro City Board of Education to convey certain real property to the North Carolina Coaches Association.

Referred to **Local Government and Regional Affairs Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

March 27, 1981

On motion of Senator Barnes, the **Report of the North Carolina Governmental Evaluation Commission** entitled "Veterinarians" submitted by the **State Government Committee** is adopted.

S. B. 114, Committee Substitute for **S. B. 114**, a bill to amend Chapter 106, Article 50 of the General Statutes, Promotion of Use and Sale of Agricultural Products, with regard to the research and promotion programs of the American Dairy Association of North Carolina, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Baker, Ballenger, Barnes, Boger, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Hancock, Hardison, Harris, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 43.

The Committee Substitute bill is ordered sent to the House of Representatives.

S. B. 133, a bill to increase the membership of the Private Protective Services Board by two, for concurrence in House Amendment No. 1.

On motion of Senator Swain, the Senate concurs in House Amendment No. 1 and the bill is ordered enrolled.

S. B. 149, a bill to authorize the Department of Administration to petition for the annexation of State-owned lands into municipalities, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Baker, Ballenger, Barnes, Boger, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Hancock, Hardison, Harris, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 43.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S. B. 213, a bill to amend G. S. 25A-15 relating to rates for consumer credit.

On motion of Senator Harris, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. R. 258, a Senate resolution commending Lieutenant Governor Jimmy Green.

On motion of Senator Ballenger, the Senate resolution is adopted. (The text of this resolution appears in the Appendix.)

S. B. 262, a bill regarding confiscation and disposition of deadly weapons in Cumberland County.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. J. R. 272, a joint resolution urging the United States Government to seek the return of missing and deceased persons in Southeast Asia.

The joint resolution passes its second and third readings and is ordered sent to the House of Representatives.

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H. B. 58, a bill to revise and consolidate the Charter of the Town of Troutman and to repeal prior Charter acts, upon third reading.

The bill passes its third reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Baker, Ballenger, Barnes, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, Kincaid, Marion, Marvin, Mathis, McDuffie, Mills, Palmer, Rauch, Raynor, Redman, Royall, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 40.

The bill is ordered enrolled.

H. B. 77, Committee Substitute for **H. B. 77**, a bill to rewrite Article 4 and certain sections of Article 3 of Chapter 115D of the General Statutes, Community College Laws, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Baker, Ballenger, Barnes, Boger, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Hancock, Hardison, Harris, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 43.

The Committee Substitute bill remains on the Calendar, upon third reading.

H. B. 245, a bill to extend the corporate limits of the Town of Bath in Beaufort County, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Baker, Ballenger, Barnes, Boger, Clarke, Cockerham, Creech, Daniels, Duncan, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 42.

The bill remains on the Calendar, upon third reading.

H. B. 300, a bill to amend Chapter 90, Article 11, of the General Statutes relating to veterinarians.

Senator Redman offers Amendment No. 1.

Without objection, the Chair directs that the bill and pending Amendment No. 1 be placed on the Calendar for Tuesday, March 31.

H. J. R. 320, a joint resolution joining Governor James B. Hunt, Jr. in urging the National Park Service to save the Historic Cape Hatteras Lighthouse.

The joint resolution passes its second and third readings and is ordered enrolled.

H. B. 351, a bill to authorize the creation of joint fire and rescue protection districts within Forsyth County, upon third reading.

The bill passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Baker, Ballenger, Barnes, Boger, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Hancock, Hardison, Harrington, Harris, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills,

Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 43.

The bill is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 162, an act to permit Clerk of Superior Court functioning in District Court matters to accept certain written appearances, waivers of trial and pleas of guilty where an increased amount of restitution is made.

S. B. 171, an act to authorize the Town of Laurinburg to sell one parcel of land at private sale and to exempt sale of that and one other parcel from G. S. 14-234.

H. B. 328, an act to authorize the Board of County Commissioners of Mecklenburg County to appoint special peace officers with limited jurisdiction.

H. B. 343, Committee Substitute for **H. B. 343**, an act exempting from the provision of Article 12, Chapter 160A, of the General Statutes of North Carolina, certain counties as to leases or sales of real estate owned, or hereafter owned by it, as an industrial park, or for the purposes of industrial development.

H. B. 388, an act to require Cherokee County to comply with the standard State requirements for recording and filing land maps.

H. B. 390, Committee Substitute for **H. B. 390**, an act to provide that beginning in 1984, the Cleveland County Board of Education shall take office in July.

H. B. 409, an act to bring Caswell County under the standard State requirements for recording and filing land maps.

H. B. 481, an act authorizing the Sampson County Board of Education to convey certain real property to the Coharie Intra-Tribal Council, Inc.

On motion of Senator Lawing, seconded by Senator Walker, the Senate adjourns to meet Monday at 7:00 P.M.

FIFTY-FOURTH DAY

SENATE CHAMBER,
Monday, March 30, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable Kenneth C. Royall, Majority Leader of the Senate.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Great God of Peace, we pray tonight for Your servant Ronald Reagan, asking that You will be present with him during this time of need. We also ask Your Spirit's blessing on the doctors and nurses who are attending him, and on his family, his friends, and his fellow countrymen who are anxiously concerned for him as President and as friend. We

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pray for our nation, that through this crisis we may reaffirm our dedication to using the democratic process for adjudicating the differences among us. Teach us that violence is never an acceptable answer among free people, and that war is not an acceptable alternative in disputes among nations. Bless now the men and women of this Senate as they lead us toward that day when swords shall be beaten into plowshares and spears into pruning hooks. Amen."

Senator Hardison for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The Chair grants leaves of absence to Senators Lawing, Mathis, and Vickery for tonight. Senator Garrison is noted present.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Thomas of Henderson:

S. B. 333, a bill to provide a supplemental retirement fund for firemen in the City of Hendersonville and to make G. S. 118-5, G. S. 118-6, and G. S. 118-7 apply to the City of Hendersonville.

Referred to **Pensions and Retirement Committee**.

By Senator Smith:

S. B. 334, a bill to make elections for town commissioners of the Town of Rowan consistent with other municipal elections.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Creech, Johnson, Wynne, and Jernigan:

S. B. 335, a bill to amend Chapter 122A of the General Statutes to extend the allowable bond term for bonds issued by the North Carolina Housing Finance Agency to forty-three years.

Referred to **Finance Committee**.

By Senators Creech, Johnson, Wynne, Mills, Marvin, and Jernigan:

S. B. 336, a bill to amend Chapter 122A of the General Statutes to enable the North Carolina Housing Finance Agency to participate in the making of mortgage loans for the rehabilitation of existing housing for low and moderate income persons.

Referred to **Finance Committee**.

By Senator Thomas of Henderson:

S. B. 337, a bill to prohibit the use of opaque or transparent materials on the windshield or windows of a motor vehicle.

Referred to **Judiciary III Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

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H. B. 433, a bill to validate certain acts of notaries.
Referred to **Judiciary II Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 205, a bill to clarify the amount of weekly benefits under the Workers' Compensation Act.

On motion of Senator Jenkins, consideration of the bill is postponed until Tuesday, March 31.

S. B. 206, a bill to extend time limitations for filing asbestosis, silicosis, and lead poisoning cases.

On motion of Senator Jenkins, consideration of the bill is postponed until Tuesday, March 31.

S. B. 207, a bill to clarify provisions regarding payment of medical expenses in occupational disease cases.

On motion of Senator Jenkins, consideration of the bill is postponed until Tuesday, March 31.

S. B. 274, a bill to raise the minimum amount of weekly workers' compensation benefits.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 275, a bill to increase the amount of funeral benefits in workers' compensation cases.

Without objection, the following Senators are excused from voting for the stated reasons:

Senator Harris: "Direct conflict—as a Funeral Director it raises compensation to me for funerals."

Senator Wynne: "Conflict of Interest."

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 282, a bill to amend the Employment Security Act to exclude from coverage employees of private church schools or schools of religious charter.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H. B. 77, Committee Substitute for **H. B. 77**, a bill to rewrite Article 4 and certain sections of Article 3 of Chapter 115D of the General Statutes, Community College Laws, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Kincaid, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 44.

The Committee Substitute bill is ordered enrolled.

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H. B. 202, a bill to amend the Charter of the City of Greensboro as revised and reorganized by Chapter 1137 of the Session Laws of 1959, As Amended, upon second reading.

Senator Cockerham moves that consideration of the bill be postponed until Monday, April 6, which motion fails to prevail.

Senator Cockerham offers Amendment No. 1 which fails of adoption.

Senator Marion calls the previous question, duly seconded.

The bill passes its second reading by roll-call vote, ayes 35, noes 10, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Barnes, Clarke, Creech, Daniels, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, and Wynne—35.

Voting in the negative: Senators Allred, Baker, Ballenger, Boger, Cavanagh, Cockerham, Duncan, Kincaid, Redman, and Wright—10.

The bill remains on the Calendar, upon third reading.

H. B. 245, a bill to extend the corporate limits of the Town of Bath in Beaufort County, upon third reading.

The bill passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Harris, Jenkins, Johnson, Kincaid, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne—41.

The bill is ordered enrolled.

On motion of Senator Walker, seconded by Senator Harris, the Senate adjourns in a moment of silent prayer for the complete recovery of our President, Ronald Reagan, and the others injured in the attempted assassination in Washington today, to meet tomorrow at 1:30 P.M.

FIFTY-FIFTH DAY

SENATE CHAMBER,

Tuesday, March 31, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father; in Your spirit we find power, zeal, wisdom and courage for discovering and doing what is right. We give you thanks for all we have received, and pray that we will be continually aware of Your presence among us. We ask Your special blessing on those who work for this State: for teachers, judges, secretaries, administrators, social workers, engineers, and senators. May Your spirit grant them patience, trust, wisdom and dedication as they go about their task of helping us to create a just, free, and prosperous society. Amen."

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Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants a leave of absence to Senator Clarke for tomorrow, April 1.

The President recognizes the following pages serving in the Senate this week: Gerald Alex Absher, North Wilkesboro; Richard Brown Allsbrook, Jr., Roanoke Rapids; Steven Charles Bachar, Chapel Hill; Rebecca Barnes, Goldsboro; Laura Bowen, Bladenboro; Susan Jane Buchanan, Lenoir; Stephanie Elizabeth Chapple, Winston-Salem; Wendy Dean Ellis, Goldsboro; Sharon B. Freeman, Raleigh; Maurice Lee Goodman, Corapeake; Michael P. Goodson, Raleigh; Tuwanda Harrelson, Greensboro; Christy Nicoll, Lumberton; Jennifer Ashleigh Thompson, Lumberton; Todd Charles Weeks, Wilmington; Margo Louise Williams, Rocky Mount; Cindy K. Wilson, Eden; Barbara Kay Woodward, Jacksonville; and Lesley Michele Wornom, Sanford.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator White for the **Agriculture Committee**:

S. B. 183, a bill to appropriate funds to the Department of Agriculture for expansion of the Oxford Tobacco Research Station, with a favorable report.

On motion of Senator White, the bill is re-referred to the **Appropriations Committee**.

S. B. 184, a bill to appropriate funds to the Department of Agriculture for repairs to the food distribution warehouse at Butner, with a favorable report.

On motion of Senator White, the bill is re-referred to the **Appropriations Committee**.

S. B. 197, a bill to appropriate funds to the Department of Agriculture to improve gas and oil inspection, with a favorable report, as amended.

On motion of Senator White, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted. The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee**.

S. B. 198, a bill to appropriate funds to the Department of Agriculture for a sweet potato facility at the Clinton Research Station, with a favorable report.

On motion of Senator White, the bill is re-referred to the **Appropriations Committee**.

S. B. 199, a bill to appropriate funds to the Department of Agriculture for replacement of barns and farm equipment at State farms, with a favorable report.

On motion of Senator White, the bill is re-referred to the **Appropriations Committee**.

By Senator Noble for the **Alcoholic Beverage Control Committee**:

H. B. 398, a bill to authorize the qualified voters of the Town of Laurel Park, Henderson County, to determine whether alcoholic beverage control stores may be operated in the Town, with a favorable report.

H. B. 444, a bill to authorize the qualified voters of the Town of Rosman, Transylvania County, to determine whether alcoholic beverage control stores may be operated in the Town, with a favorable report.

By Senator Allsbrook for the **Judiciary I Committee**:

S. B. 132, a bill to conform the notice requirements for claims against cities and towns provided in G. S. 1-539.15 with the requirement of G. S. 1-53(1), with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Allsbrook, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Allsbrook, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, April 2.

By Senator Soles for the **Judiciary II Committee**:

S. B. 315, a bill to validate certain acts of notaries, with a favorable report.

H. B. 433, a bill to validate certain acts of notaries, with a favorable report.

H. B. 458, a bill to increase the tort claim settlement authority of the Attorney General from three thousand dollars to five thousand dollars, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Marion:

S. B. 338, a bill to appropriate funds for the stabilization of the ruins of the old Rock House in Stokes County.

Referred to **Appropriations Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 445, a bill to repeal the prohibition on taking beaver in Moore County.

Referred to **Natural and Economic Resources and Wildlife Committee**.

H. B. 470, a bill to repeal the prohibition on bear hunting in Camden County.

Referred to **Natural and Economic Resources and Wildlife Committee**.

H. B. 490, a bill to allow the Town of Williamston to collect on motor vehicles a tax of not more than five dollars.

Referred to **Finance Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 43, Committee Substitute for **S. B. 43**, a bill to amend the Employment Security Law to restrict retirement payment offsets against unemployment insurance benefits to those retirement payments received under plans contributed to by base period employers, as amended.

On motion of Senator Jenkins, duly seconded, the Committee Substitute bill, as amended, is postponed indefinitely.

Senator Royall moves that the vote by which the Committee Substitute bill was postponed indefinitely be reconsidered, which motion prevails.

Without objection, the Committee Substitute bill is placed on the Calendar for Thursday, April 2, for further consideration.

S. B. 205, a bill to clarify the amount of weekly benefits under the Workers' Compensation Act.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 206, a bill to extend time limitations for filing asbestosis, silicosis, and lead poisoning cases.

On motion of Senator Jenkins, Committee Amendment No. 1 is adopted, changing the title to read **S. B. 206**, a bill to extend time limitations for filing asbestosis and silicosis claims.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 207, a bill to clarify provisions regarding payment of medical expenses in occupational disease cases.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H. B. 202, a bill to amend the Charter of the City of Greensboro as revised and reorganized by Chapter 1137 of the Session Laws of 1959, upon third reading.

Senator Frye calls the previous question, seconded by Senator Gray. The call is sustained.

The bill passes its third reading by roll-call vote, ayes 39, noes 11, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Barnes, Clarke, Creech, Daniels, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Royall, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wynne—39.

Voting in the negative: Senators Allred, Baker, Ballenger, Boger, Cavanagh, Cock-erham, Duncan, Kincaid, Redman, Smith, and Wright—11.

The bill is ordered enrolled.

H. B. 300, a bill to amend Chapter 90, Article 11, of the General Statutes relating to veterinarians, with pending Amendment No. 1.

On motion of Senator Barnes, the bill, with pending Amendment No. 1, is recommitted to the **State Government Committee**.

H. B. 428, a bill to amend the 1973 Session Laws, Chapter 1283, to empower the Town of Matthews with the same zoning authority as granted Mecklenburg County and the City of Charlotte.

On motion of Senator Lawing, consideration of the bill is postponed until Thursday, April 2.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 133, an act to increase the membership of the Private Protective Services Board by two.

S. B. 218, an act to allow the City of Newton to use the provisions of Chapter 136 of the General Statutes in condemnation proceedings.

S. B. 219, an act to allow the Town of Maiden to use the provisions of Chapter 136 of the General Statutes in condemnation proceedings.

S. B. 227, an act to allow the County of Rowan to follow the General Law concerning local development in G. S. 158-7.1 and G. S. 158-7.2.

S. B. 239, an act to authorize the county board of elections to set the time and date for return of registration and pollbooks by precinct election officials.

S. B. 240, an act to make optional the method of conveyance of the duplicate copy of the precinct return form.

S. B. 242, an act to authorize the chairman of a county board of elections to administer oaths.

S. B. 245, an act to permit precinct election officials to record absentee voters on the registration records prior to the closing of the polls and to authorize legal guardians to make application for absentee ballots.

S. B. 254, an act to amend Chapter 115 to clarify and conform those provisions relating to elections to the general election laws.

H. B. 58, an act to revise and consolidate the Charter of the Town of Troutman and to repeal prior Charter acts.

H. B. 77, Committee Substitute for **H. B. 77**, an act to rewrite Article 4 and certain sections of Article 3 of Chapter 115D of the General Statutes, Community College Laws.

H. B. 211, an act to restrict the use of Division of Motor Vehicles' drivers' license records.

H. B. 245, an act to extend the corporate limits of the Town of Bath in Beaufort County.

H. B. 248, Committee Substitute for **H. B. 248**, an act to establish the crime of forging certain school transcripts or diplomas.

H. J. R. 320, a joint resolution joining Governor James B. Hunt, Jr. in urging the National Park Service to save the Historic Cape Hatteras Lighthouse.

H. B. 351, an act to authorize the creation of joint fire and rescue protection districts within Forsyth County.

On motion of Senator Lawing, seconded by Senator Royall, the Senate adjourns to meet tomorrow at 1:30 P.M.

FIFTY-SIXTH DAY

SENATE CHAMBER,
Wednesday, April 1, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"God of Creation, around us this day are so many signs of Your goodness that we can not comprehend them all. As You bring us the return of spring with green and growing wonders, and as You send us rain to nourish and replenish the earth, we are reminded of Your love that comes to us as a source of personal growth and nurture. As we meet together today make us ever mindful of our need to be constantly growing, changing, reforming, developing, seeking fresh solutions to old problems. Help us to learn from Your created order that growth and change are synonymous with life. Keep us open to Your power, flexible to Your will, and amenable to Your spirit's leading, as we grow in conformity to Your will. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

A leave of absence granted previously to Senator Clarke is noted.

APPOINTMENTS BY THE GOVERNOR

The President directs the Reading Clerk of the Senate to read the following message from the Governor:

State of North Carolina
Office of the Governor
March 31, 1981

The Honorable James C. Green
President of the Senate
Lt. Governor of North Carolina
Legislative Building
Raleigh, North Carolina 27611

Re: State Board of Education

Dear Mr. President:

Pursuant to the provisions of North Carolina General Statute Section 115-2, I submit herewith to the General Assembly the persons listed below whom I have recommended as

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members of the State Board of Education:

1. Prezell R. Robinson to be reappointed to an at large position with a term expiring April 1, 1989.
2. Barbara M. Tapscott, representing Education District 5 to a term expiring April 1, 1989 to succeed Evelyn S. Tyler.
3. James B. Chavis, representing Education District 4, to a term expiring April 1, 1989, to succeed Earl H. Oxendine.

Sincerely,
S/ JAMES B. HUNT, JR.

Referred to **Education Committee**.

RE-REFERRAL

S. B. 271, a bill to increase the annual exclusion from gross income for federal or armed services retirement pay from three thousand dollars to five thousand dollars.

On motion of Senator Duncan the rules are suspended, and the bill is taken from the **Finance Committee** and re-referred to the **Pensions and Retirement Committee**.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Swain for the **Courts and Judicial Districts and Criminal Justice Committee**:

S. R. 281, a Senate resolution directing the Senate Committee on Courts and Judicial Districts and Criminal Justice to study the need for additional prison and courtroom facilities and personnel in North Carolina, with a favorable report for adoption.

S. B. 304, a bill to establish priorities and procedures for disbursement of funds by clerks of court, with a favorable report.

By Senator Duncan for the **Finance Committee**:

S. B. 175, a bill to exclude allotments from ad valorem taxation, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Duncan, the rules are suspended and the Committee Substitute bill which changes the title to read **S. B. 175**, Committee Substitute bill for **S. B. 175**, a bill to exclude allotments as separate value of ad valorem taxation is placed before the Senate for immediate consideration.

On motion of Senator Duncan, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, April 3.

S. B. 298, a bill to amend the Constitution to allow the General Assembly to authorize a county to exempt itself from the intangibles tax, with an unfavorable report.

By Senator Creech for the **Judiciary III Committee**:

H. B. 196, a bill to amend G. S. 50-6 to provide that divorce not affect alimony rights, with a favorable report.

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H. B. 197, a bill to amend North Carolina G. S. 50-11 (c) to provide that divorce not affect alimony rights, with a favorable report.

By Senator Marion for the **Local Government and Regional Affairs Committee**:

S. B. 248, a bill to provide that the General Assembly may provide in an act of incorporation that the governing board of the city may be ex officio the governing board of a preexisting sanitary district, if the sanitary district approves, with a favorable report.

S. B. 276, a bill to revise the Charter of the Town of Granite Falls, with a favorable report.

S. B. 334, a bill to make elections for town commissioners of the Town of Rowan consistent with other municipal elections, with a favorable report, as amended.

H. B. 54, a bill to permit the City of New Bern to construct, operate, and lease a marina, with a favorable report.

H. B. 422, a bill to provide for the membership of the Beech Mountain Sanitary District Board of Commissioners, with a favorable report.

H. B. 452, a bill to allow the Concord City and Cabarrus County Boards of Education to jointly set the boundaries of the Concord City School Administrative Unit, with a favorable report.

H.B. 467, a bill to allow the Wilkes County Board of Education to convey a tract of land, with a favorable report.

H. B. 476, a bill to provide for staggered four-year terms for the Elkin Town Board of Commissioners in 1981, and increase the term of the mayor to four years in 1983, and to delete obsolete Charter provisions, with a favorable report.

H. B. 500, a bill to allow the City of Kinston and Lenior County to acquire land for industrial development and dispose of same without public sale, with a favorable report.

H. B. 502, a bill authorizing the Greensboro City Board of Education to convey certain real property to the North Carolina Coaches Association, with a favorable report.

By Senator Thomas of Craven for the **Natural and Economic Resources and Wildlife Committee**:

S. B. 302, a bill to amend exemption procedures and to amend laboratory fees under the Drinking Water Act, with a favorable report.

On motion of Senator Thomas of Craven, the bill is re-referred to the **Finance Committee**.

S. B. 303, a bill to amend G. S. 130-166.54 (a) of the Drinking Water Act, with a favorable report.

By Senator Jenkins for the **Pensions and Retirement Committee**:

S. B. 51, a bill to disband the Asheville Fireman's Pension and Disability Fund, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Daniels and Harrington:

S. B. 339, a bill to appropriate funds for historic preservation in the Town of Murfreesboro.

Referred to **Appropriations Committee**.

By Senator Walker:

S. B. 340, a bill to appropriate funds for community-based alternative programs for juveniles.

Referred to **Appropriations Committee**.

By Senator Cockerham:

S. B. 341, a bill to require the Guilford County Register of Deeds to disclose his and his spouse's real property interests and assets.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Hardison:

S. B. 342, a bill to increase the reimbursement to the Department of Revenue for expenses incurred in collecting assessment of forestry products.

Referred to **Appropriations Committee**.

By Senator Wright:

S. B. 343, a bill to amend the City of Wilmington Charter regarding preparation of instruments.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Wright:

S. B. 344, a bill to amend the City of Wilmington Charter regarding revisions of amendments to ordinances and resolutions.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Wright:

S. B. 345, a bill to amend the Charter of the City of Wilmington to clarify the right of the mayor to vote.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Wright:

S. B. 346, a bill to amend the Charter of the City of Wilmington regarding the Civil Service Commission.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Wright:

S. B. 347, a bill to amend the Charter of the City of Wilmington deleting reference to

the organizational meeting of City Council to conform to Chapter 1247 of the 1979 Session Laws.

Referred to **Local Government and Regional Affairs Committee.**

By Senators Redman, White, Palmer, Speed, Boger, Daniels, Raynor, Warren, Hardison, Harrington, Ballenger, and Smith:

S. B. 348, a bill to allow the Department of Agriculture to continue to impose fees or charges in compliance with G. S. 12-3.1.

Referred to **Finance Committee.**

By Senator Alford:

S. J. R. 349, a joint resolution authorizing the Legislative Research Commission to study the feasibility of consolidating the State computer systems.

Referred to **Rules and Operation of the Senate Committee.**

By Senators Warren, White, Speed, and Palmer:

S. B. 350, a bill to accommodate federal preemption of State laws regulating the feeding of garbage to swine.

Referred to **Agriculture Committee.**

By Senators Walker, Harris, Frye, and Raynor:

S. B. 351, a bill to amend the provisions for public assistance appeals.

Referred to **Human Resources Committee.**

By Senators Walker, Harris, Frye, and Raynor:

S. B. 352, a bill to amend the provisions on access to public assistance and social services records.

Referred to **Human Resources Committee.**

By Senators Jordan, Hancock, Cockerham, Harris, Redman, Swain, Alford, Thomas of Craven, Garrison, and Hardison:

S. B. 353, a bill to amend Chapter 53 of the General Statutes to require that money market investment programs offered by persons who are not banks, savings and loan associations, industrial banks or credit unions shall hereafter be regulated under the State banking laws.

Referred to **Banking Committee.**

By Senator Jordan:

S. B. 354, a bill to clarify the authority of the Capital Building Authority with respect to territorial jurisdiction and award of informal contracts.

Referred to **State Government Committee.**

By Senators Vickery and Walker:

S. B. 355, a bill to allow beer sales in certain townships.

Referred to **Alcoholic Beverage Control Committee.**

By Senators White, Palmer, Speed, Warren, Redman, and Daniels:

S. B. 356, a bill to provide funds to the Board of Governors of the University of North

Carolina for priority agricultural research and extension projects.

Referred to **Appropriations Committee**.

By Senators Raynor, Mathis, Swain, Redman, Alford, Soles, Harrington, Daniels, Speed, Palmer, Jenkins, Royall, Marion, Harris, White Walker, Wright, Baker, Cavanagh, Allred, Cockerham, and Ballenger:

S. B. 357, a bill to require the use of motor vehicle points as the basis for premium surcharges in automobile insurance rating.

Referred to **Insurance Committee**.

By Senator Allred:

S. B. 358, a bill to authorize the Wildlife Resources Commission to manage and regulate the harvesting of foxes in Alamance County.

Referred to **Natural and Economic Resources and Wildlife Committee**.

By Senator Jernigan:

S. B. 359, a bill to repeal Article 7 of G. S. Chapter 95 entitled "Board of Boiler Rules and Bureau of Boiler Inspection" and to make certain changes in Article 7A of G. S. Chapter 95 entitled "Uniform Boiler and Pressure Vessel Act."

Referred to **Manufacturing, Labor and Commerce Committee**.

Senator Harrington moves that Rule 41 be suspended to allow the introduction and referral to committee of the following local bills, tomorrow, April 2, which motion prevails by a two-thirds majority vote.

By Senator Harrington:

S. B. 361, a bill to merge the Towns of Lewiston and Woodville in Bertie County into a single municipality to be known as the Town of Lewiston Woodville.

By Senator Warren:

S. B. 363, a bill to provide that beginning in 1986, the Sampson County Board of Education shall take office in July.

By Senator Harris, Marion, and Rauch:

S. B. 369, a bill to provide a fixed pay date for public school employees of the Kings Mountain School Administrative Unit.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 72, House Committee Substitute for Senate Committee Substitute for **S. B. 72**, a bill to amend the Fair Sentencing Act, As Amended in 1980, for concurrence in the House Committee Substitute for Senate Committee Substitute for **S. B. 72**, which is placed on the Calendar for tomorrow, April 2.

H. B. 177, a bill to provide a supplemental retirement fund for firemen in the Town of Lillington.

Referred to **Pensions and Retirement Committee**.

H. B. 195, Committee Substitute for **H. B. 195**, a bill to establish a Work Options Program for State Employees.

Referred to **State Government Committee**.

H. B. 242, a bill to make students in the Department of Human Resources institutions eligible for remediation funds for students who fail the competency test.

Referred to **Human Resources Committee**.

H. B. 244, a bill to establish uniform age ranges in compulsory school attendance requirements and to delete certain archaic language, in Statutes regarding the Governor Morehead School and the Schools for the Deaf.

Referred to **Human Resources Committee**.

H. B. 364, Committee Substitute for **H. B. 364**, a bill to abolish the inactive Land Policy Council and Advisory Committee on Land Policy.

Referred to **State Government Committee**.

H. B. 417, Committee Substitute for **H. B. 417**, a bill to validate certain trustees' deeds executed without a seal.

Referred to **Judiciary II Committee**.

H. B. 429, a bill to incorporate the Town of Kitty Hawk in Dare County.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 468, a bill to provide for a reduced rate of sales tax upon certain containers sold to farmers.

Referred to **Finance Committee**.

H. B. 469, a bill to exempt litter materials from the sales tax.

Referred to **Finance Committee**.

H. B. 472, a bill to prohibit the use of traps larger than muskrat traps on dry land in Camden County.

Referred to **Natural and Economic Resources and Wildlife Committee**.

H. B. 495, a bill to provide that court-ordered license suspension actions for violators of wildlife laws will supersede administrative suspensions by the North Carolina Wildlife Resources Commission.

Referred to **Natural and Economic Resources and Wildlife Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 315, a bill to validate certain acts of notaries.

On motion of Senator Cockerham, consideration of the bill is postponed until Wednesday, April 8.

H. B. 398, a bill to authorize the qualified voters of the Town of Laurel Park, Henderson County, to determine whether alcoholic beverage control stores may be operated in the Town.

The bill passes its second and third readings and is ordered enrolled.

Senator Marion requests to be recorded voting "no."

H. B. 433, a bill to validate certain acts of notaries.

The bill passes its second and third readings and is ordered enrolled.

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H.B. 444, a bill to authorize the qualified voters of the Town of Rosman, Transylvania County, to determine whether alcoholic beverage control stores may be operated in the Town.

The bill passes its second and third readings and is ordered enrolled.

Senator Marion requests to be recorded voting "no."

H. B. 458, a bill to increase the tort claim settlement authority of the Attorney General from three thousand dollars to five thousand dollars.

The bill passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 94, an act to allow nonprofit rescue squads to apply for numbers without payment of a fee.

S. B. 110, an act to amend G. S. 75A-7 to empower the Wildlife Resources Commission to permit the voluntary numbering of motorboats owned by a governmental entity and the issuance of permanent certificates of number to motorboats owned by governmental entities and nonprofit rescue squads.

H. B. 190, an act to amend the Employment Security Law to conform with federal requirements, to make technical improvements and corrections, and to remove outdated and inconsistent provisions from the law.

H. B. 202, an act to amend the Charter of the City of Greensboro as revised and reorganized by Chapter 1137 of the Session Laws of 1959, As Amended.

On motion of Senator Lawing, seconded by Senator Mills, the Senate adjourns to meet tomorrow at 1:30 P.M.

FIFTY-SEVENTH DAY

SENATE CHAMBER,
Thursday, April 2, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Garnet Walker, Pastor of First Evangelical Methodist Church, Greensboro.

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants a leave of absence to Senator Harrington for today and to Senator Marvin, who will be attending an industry meeting with elected officials in her district, and to Senator Kincaid for tomorrow, April 3.

The President extends courtesies of the gallery to Phillip J. Kirk, Jr., former Senator from Rowan County.

April 2, 1981

FINAL REPORT TO THE GENERAL ASSEMBLY

Pursuant to Chapter 1062 of the 1979 Session Laws, the North Carolina Marine Science Council submits the final report on the Coastal Study.

On motion of Senator Daniels the Report is adopted. (A copy of the Report is on file in the Legislative Library.)

APPOINTMENT OF SELECT COMMITTEE

The President appoints the following select committee:

SELECT COMMITTEE TO STUDY THE POSITION OF GENERAL ASSEMBLY CHAPLAINS: Senators Lawing, Royall, Swain, Mathis, and Ballenger.

RECONSIDERATION

S. B. 298, a bill to amend the Constitution to allow the General Assembly to authorize a county to exempt itself from the Intangibles Tax.

Senator Allred offers a motion that the bill be removed from the table and placed before the Senate for further consideration and upon the motion calls for "ayes" and "noes."

Senator Hardison, seconded by Senator Royall, moves that the motion of Senator Allred do lie upon the table, which motion prevails and the bill remains upon the table.

RE-REFERRALS

S. B. 294, a bill to allow a referendum on repeal of a hospital tax levied under Article 13C of Chapter 131 of the General Statutes.

On motion of Senator Marion the rules are suspended and the bill is taken from the **Finance Committee** and re-referred to the **Local Government and Regional Affairs Committee**.

H. B. 2, Committee Substitute for **H. B. 2**, a bill to provide that election of the Rutherford County Board of Commissioners be for two-year terms, subject to a referendum.

On motion of Senator Rauch the rules are suspended and the bill is taken from the **Local Government and Regional Affairs Committee** and re-referred to the **Redistricting - Senate Committee**.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Allsbrook for the **Judiciary I Committee**:

H. B. 416, a bill to validate certain corporate deeds executed without the corporate seal, with a favorable report, as amended.

By Senator Soles for the **Judiciary II Committee**:

H.B. 321, a bill to amend G. S. 14-33 to provide increased punishment for an assault on school personnel, with a favorable report.

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By Senator Palmer for the **Veterans and Military Affairs Committee**:

S. B. 299, a bill to provide the State's share of funds for construction of the Roanoke Rapids National Guard Armory, with a favorable report.

On motion of Senator Palmer, the bill is re-referred to the **Appropriations Committee**.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H. B. 471, a bill exempting from the provision of Article 12, Chapter 160a, of the General Statutes of North Carolina, the County of Madison as to leases or sales of real estate owned, or hereafter owned by it, as an industrial park, or for the purposes of industrial development.

On motion of Senator Swain, the rules are suspended, and the bill is placed on the calendar for today.

H. B. 642, a bill to authorize a referendum in Columbus County to determine whether the county Board of Education shall be elected at the time of the county primary or general election: to provide compensation for said Board; and to appoint four members to the Whiteville City School Administrative Unit Board.

On motion of Senator Soles, the rules are suspended, and the bill is placed on the Calendar for tomorrow, April 3.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 336, Committee Substitute for **H. B. 336**, a bill to recodify Chapter 115 of the General Statutes, elementary and secondary education.

Referred to **Education Committee**.

H. B. 418, a bill to transfer the Butner Public Safety Department from the Department of Human Resources to the Department of Crime Control and Public Safety.

Referred to **State Government Committee**.

H. J. R. 450, a joint resolution urging the United States Congress to allow the states flexibility in the use of federal-aid highway funds.

Referred to **Rules and Operation of the Senate Committee**.

H.B. 462, a bill to allow governmental purchases of fuel by informal bid regardless of dollar amount.

Referred to **State Government Committee**.

H. B. 482, a bill to modify the Raleigh Civil Service Act.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 494, a bill to amend General Statutes Chapters 139 and 153A concerning the authority of counties to conduct watershed improvement programs.

Referred to **Natural and Economic Resources and Wildlife Committee**.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Duncan:

S. B. 360, a bill to provide an individual income tax credit for child-care and other employment-related expenses.

Referred to **Finance Committee**.

By Senator Harrington:

S. B. 361, a bill to merge the Towns of Lewiston and Woodville in Bertie County into a single municipality to be known as the Town of Lewiston Woodville.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Boger, Marion, Rauch, Harris, Ballenger, Noble, McDuffie, Walker, White, Gray, Warren, Thomas of Craven, Daniels, Smith, Redman, and Cavanagh:

S. B. 362, a bill to prohibit open beer or wine containers in motor vehicles.

Referred to **Alcoholic Beverage Control Committee**.

By Senator Warren:

S. B. 363, a bill to provide that beginning in 1986, the Sampson County Board of Education shall take office in July.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Daniels, White, Speed, and Palmer:

S. B. 364, a bill to exempt the Museum of Natural History from G. S. 147-50.

Referred to **State Government Committee**.

By Senator Barnes:

S. B. 365, a bill to require information obtained from an insurer insuring teachers and state employees to be held confidential and exempt from the Public Records Act.

Referred to **State Government Committee**.

By Senator Barnes:

S. B. 366, a bill to empower district boards of health to provide liability insurance for its employees and to contract for legal services.

Referred to **Human Resources Committee**.

Senator Barnes moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Barnes:

S. B. 367, a bill to rewrite the definition section of G. S. Chapter 130.

Referred to **Human Resources Committee**.

By Senator Barnes:

S. B. 368, a bill to add additional court personnel in the Eighth Judicial District.

Referred to **Courts and Judicial Districts and Criminal Justice Committee**.

By Senators Harris, Marvin, and Rauch:

S. B. 369, a bill to provide a fixed pay date for public school employees of the Kings Mountain School Administrative Unit.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Speed, White, and Palmer:

S. B. 370, a bill to amend the North Carolina Fertilizer Law, Chapter 106, Article 56 of the General Statutes.

Referred to **Agriculture Committee**.

By Senators Harrington, White, Speed, and Palmer:

S. B. 371, a bill to amend the North Carolina Agriculture Liming Materials and Landplaster Act, Article 8A of Chapter 106 of the General Statutes.

Referred to **Agriculture Committee**.

By Senator Jernigan (By Request):

S. B. 372, a bill to amend sections of the Wage and Hour Act to increase the minimum wage, to decrease the number of hours worked before overtime wages must be paid and to extend the Act's jurisdiction.

Referred to **Manufacturing, Labor and Commerce Committee**.

By Senator Jernigan (By Request):

S. B. 373, a bill to apply the requirements and standards of apprenticeship to other on-the-job training programs and to clarify the role of the Department of Labor with respect to the approval of apprenticeship and other on-the-job training programs for veterans benefits purposes.

Referred to **Manufacturing, Labor and Commerce Committee**.

Senator Walker moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Walker and Vickery:

S. B. 374, a bill relating to Moore County.

Referred to **Rules and Operation of the Senate Committee**.

Senator Royall moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Royall, Harris, and Hancock:

S. B. 375, a bill to amend certain portions of Article 17 and 17A of Chapter 130 of the North Carolina General Statutes relating to the prevention, diagnosis and treatment of cancer.

Referred to **Human Resources Committee**.

By Senators Jenkins and Lawing:

S. B. 376, a bill to appropriate funds for a grant-in-aid to Historic Cabarrus, Inc., for restoration of the Cabarrus County Courthouse.

Referred to **Appropriations Committee**.

By Senator Noble:

S. B. 377, a bill to appropriate funds for a grant-in-aid to the Flora MacDonald Educational Foundation, Inc., in Robeson County.

Referred to **Appropriations Committee**.

By Senators White, Allsbrook, Speed, and Alford:

S. B. 378, a bill to appropriate funds for the restoration of Person's Ordinary in Warren County.

Referred to **Appropriations Committee**.

By Senator Jordan:

S. B. 379, a bill to limit workers' compensation insurance rate filings with the Commissioner of Insurance to one filing per year.

Referred to **Insurance Committee**.

Senator Jordan moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Jordan:

S. B. 380, a bill to authorize the Department of Human Resources to charge rates and fees for service rendered to the public.

Referred to **Human Resources Committee**.

Senator Jordan moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Jordan:

S. B. 381, a bill to amend and clarify the provisions of law relative to the North Carolina Public Employee Deferred Compensation Plan.

Referred to **State Government Committee**.

By Senator Mills:

S. B. 382, a bill to allocate funds for arts educational teachers.

Referred to **Education Committee**.

Senator Jordan moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Jordan:

S. B. 383, a bill to make rulemaking and hearings provisions in human resources legislation consistent with the Administrative Procedure Act.

Referred to **Human Resources Committee**.

By Senator Thomas of Craven:

S. B. 384, a bill to abolish the Simmons-Nott Airport Authority.

Referred to **Local Government and Regional Affairs Committee**.

Senator Garrison moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Garrison:

S. B. 389, a bill to allow Stanly County to establish voting precincts without regard to township boundaries.

Referred to **Local Government and Regional Affairs Committee**.

Senator Garrison moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Garrison:

S. B. 390, a bill authorizing and empowering the City of Albemarle to levy assessments for public improvements and validating assessments for improvements heretofore made.

Referred to **Local Government and Regional Affairs Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 43, Committee Substitute for S. B. 43, a bill to amend the Employment Security Law to restrict retirement payment offsets against unemployment insurance benefits to those retirement payments received under plans contributed to by base period employers.

On motion of Senator Jenkins, duly seconded, the bill, as amended, is postponed indefinitely.

S. B. 51, a bill to disband the Asheville Fireman's Pension and Disability Fund.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 72, House Committee Substitute for Senate Committee Substitute for S. B. 72, a bill to amend the Fair Sentencing Act, As Amended in 1980, for concurrence in the House Committee Substitute bill.

Senator Barnes moves that the Senate concur in the House Committee Substitute for Senate Committee Substitute for the Senate bill.

The President rules that the House Committee Substitute for Senate Committee Substitute for the Senate bill contains substantive changes and requires concurrence upon second and third readings.

The Senate concurs in the House Committee Substitute for Senate Committee Substitute for the Senate Bill upon second reading, and the bill remains on the Calendar for concurrence upon third reading.

Senator Noble requests to be recorded voting "aye."

S. B. 132, Committee Substitute bill for S. B. 132, a bill to conform the notice requirements for claims against cities and towns provided in G. S. 1-539.15 with the requirement of G. S. 1-53(1).

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 248, a bill to provide that the General Assembly may provide in an act of incorporation that the governing board of the city may be ex officio the governing board of a preexisting sanitary district, if the sanitary district approves.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 276, a bill to revise the Charter of the Town of Granite Falls, upon second reading.

The bill passes its second reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 48.

The bill remains on the Calendar upon third reading.

S. R. 281, a Senate resolution directing the Senate Committee on Courts and Judicial Districts and Criminal Justice to study the need for additional prison and courtroom facilities and personnel in North Carolina, for adoption.

On motion of Senator Swain, the Senate resolution is adopted. (The text of this resolution appears in the Appendix.)

S. B. 303, a bill to amend G. S. 130-166.54(a) of the Drinking Water Act.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 304, a bill to establish priorities and procedures for disbursement of funds by clerks of court.

Without objection, the Chair removes the bill from the Calendar and re-refers it to the **Ways and Means Committee**.

S. B. 334, a bill to make elections for town commissioners of the Town of Rowan consistent with other municipal elections.

On motion of Senator Noble, Committee Amendment No 1 is adopted, changing the title to read, **S. B. 334**, a bill to make elections for town commissioners of the Town of Cleveland consistent with other municipal elections.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

H. B. 54, a bill to permit the City of New Bern to construct, operate, and lease a marina. The bill passes its second and third readings and is ordered enrolled.

H. B. 196, a bill to amend G. S. 50-6 to provide that divorce not affect alimony rights. Senator Swain offers Amendment No. 1 which is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 197, a bill to amend North Carolina G. S. 50-11(c) to provide that divorce not affect alimony rights.

Senator Swain offers Amendment No. 1 which is adopted.

On motion of Senator Swain, consideration of the bill, as amended, is postponed until Friday, April 3.

H. B. 422, a bill to provide for the membership of the Beech Mountain Sanitary District Board of Commissioners.

The bill passes its second and third readings and is ordered enrolled.

H. B. 428, a bill to amend the 1973 Session Laws, Chapter 1283, to empower the Town of Matthews with the same zoning authority as granted Mecklenburg County and the City of Charlotte.

On motion of Senator Jenkins, consideration of the bill is postponed until Thursday, April 9.

H. B. 452, a bill to allow the Concord City and Cabarrus County Boards of Education to jointly set the boundaries of the Concord City School Administrative Unit.

The bill passes its second and third readings and is ordered enrolled.

H. B. 467, a bill to allow the Wilkes County Board of Education to convey a tract of land.

The bill passes its second and third readings and is ordered enrolled.

H. B. 471, a bill exempting from the provision of Article 12, Chapter 160A, of the General Statutes of North Carolina, the County of Madison as to leases or sales of real estate owned, or hereafter owned by it, as an industrial park, or for the purposes of industrial development.

The bill passes its second and third readings and is ordered enrolled.

H. B. 476, a bill to provide for staggered four-year terms for the Elkin Town Board of Commissioners in 1981, and increase the term of the mayor to four years in 1983, and to delete obsolete Charter provisions.

The bill passes its second and third readings and is ordered enrolled.

H. B. 500, a bill to allow the City of Kinston and Lenoir County to acquire land for industrial development and dispose of same without public sale.

The bill passes its second and third readings and is ordered enrolled.

H. B. 502, a bill authorizing the Greensboro City Board of Education to convey certain real property to the North Carolina Coaches Association.

The bill passes its second and third readings and is ordered enrolled.

Senator Mathis rises to speak on a point of personal privilege and upon motion of Senator Vickery, duly seconded, her remarks are spread upon the Journal as follows:

"When the election day results were known on November 5, 1980, the Equal Rights Amendment was declared dead in North Carolina by many proponents. To both the House and Senate, North Carolina voters had elected a slight majority of anti-ERA members and in my opinion, for reasons others than ERA. The opponents then proceeded to force a vote on the issue. Proponents were looking for any and every way to prevent another humiliating defeat, including asking the Senate leadership to prevent such a defeat on the Senate floor. That was accomplished and now news media and others cry 'Foul.' Not so! When you don't have the votes, you don't have the votes. And as I was reminded by an opponent, 'If you (the proponents) had had the votes, you would have done just what we (the opponents) tried.' He is right, we would have tried to force a vote. The comment that no female legislators knew about the deal is inaccurate. Several of us knew of the deal's formation, even if not involved in its conclusion.

"Lieutenant Governor Green, Senators Lawing and Royall and others, demonstrated true leadership in concluding several weeks of ERA trauma by formulating the only sure method available to prevent another ERA defeat on the Senate floor. By their action, legislators can now concentrate on budget and other State matters which desperately

need our attention. So now media and others can stop 'crying over spilt milk.' ERA in North Carolina died November 4, 1980. The 'deal' of February only provided a quiet burial rather than a public execution which the opponents had planned."

On motion of Senator Royall, seconded by Senator Lawing, courtesies of the floor are extended to the Asheville High School Marine Corps Junior ROTC Unit and its fourteen members led by First Sergeant Charles A. Fisher, USMC (Retired) and to the sixty members of the Asheville High School Band, directed by Ernie Black. Appreciation is expressed by the President of the Senate for their presentation of the story of "Old Glory."

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. J. R. 76, a joint resolution calling for all people to remember the prisoners of war of past wars and conflicts, including the Iranian prisoners, and urging the North Carolina Congressional Delegation to introduce legislation to extend benefits to the families of these heroes.

S. B. 164, an act to permit the transportation of seed cotton without a covering on the vehicle.

H. B. 334, Committee Substitute for **H. B. 334**, an act to amend the procedure for judicial review of pupil assignment decisions.

H. B. 335, Committee Substitute for **H. B. 335**, an act to amend the procedure for judicial review of school bus assignment decisions.

H. B. 398, an act to authorize the qualified voters of the Town of Laurel Park, Henderson County, to determine whether alcoholic beverage control stores may be operated in the Town.

H. B. 433, an act to validate certain acts of notaries.

H. B. 444, an act to authorize the qualified voters of the Town of Rosman, Transylvania County, to determine whether alcoholic beverage control stores may be operated in the Town.

H. B. 458, an act to increase the tort claim settlement authority of the Attorney General from three thousand dollars to five thousand dollars.

On motion of Senator Lawing, seconded by Senator Cockerham, the Senate adjourns in recognition of Senator Kenneth Royall's unselfish attention to those newcomers to this Senate and all others who seek his advice and help, to meet tomorrow at 10:45 A.M.

FIFTY-EIGHTH DAY

SENATE CHAMBER,
Friday, April 3, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

April 3, 1981

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Great God; we thank You for this land so fair and free, for its worthy aims and high ideals. We are grateful for people who have come to our shores, with customs and accents to enrich our lives. You have led us in the past, forgiven our wrongdoing, and have promised to continue leading us in time to come. Give us strong voices to praise Your goodness in the land, and a will to serve You first and country second, knowing that order is our best hope for preserving and protecting the liberty and abundance of this nation. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senators Cockerham, Duncan, and Vickery for today. Leaves of absence granted previously to Senators Kincaid and Marvin are noted.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harris for the **Human Resources Committee**:

S. B. 153, a bill to recodify the Social Services Laws in G. S. Chapter 108, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Wynne:

S. B. 385, a bill to appropriate funds to the State Board of Education for school bus drivers' salaries.

Referred to **Appropriations Committee**.

By Senator Wynne:

S. B. 386, a bill to require that school bus drivers have one year experience as a licensed driver before being hired.

Referred to **Judiciary II Committee**.

By Senators Warren, Hardison, White, Swain, Ward, Harris, Kincaid, Jenkins, Boger, Redman, Daniels, Allred, Raynor, Harrington, Speed, Alford, Lawing, Barnes, Hancock, Palmer, Mills, Noble, Baker, Duncan, Thomas of Henderson, Clarke, Jordan, Thomas of Craven, Walker, Garrison, Allsbrook, Mathis, McDuffie, and Jernigan:

S. B. 387, a bill to provide attorney fees and costs to principals or teachers sued in corporal punishment cases.

Referred to **Judiciary I Committee**.

Senator Jernigan moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Jernigan (By Request):

S. B. 388, a bill to repeal and amend the youth employment provisions of G. S. 95-25.5 of the Wage and Hour Act.

Referred to **Manufacturing, Labor and Commerce Committee**.

Senator Jernigan moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Jernigan (By Request):

S. B. 391, a bill to repeal and amend sections of the Wage and Hour Act.

Referred to **Manufacturing, Labor and Commerce Committee**.

Senator Creech moves that Rule 41 to suspended to allow the introduction and referral to committee of the following joint resolution, which motion prevails by a two-thirds majority vote.

By Senator Creech:

S. J. R. 392, a joint resolution authorizing the Legislative Research Commission to study standards and procedures for all residential group care programs for children and youth.

Referred to **Rules and Operation of the Senate Committee**.

By Senators Rauch, Smith, Harris, Allred, Cavanagh, Raynor, Alford, Hardison, Mills, Marion, and Wright:

S. B. 393, a bill to repeal the New Generation Act.

Referred to **Judiciary I Committee**.

By Senators Thomas of Henderson, Marvin, Palmer, Swain, Clarke, Rauch, and Harris:

S. B. 394, a bill to provide an additional superior court judge for the Twenty-ninth Judicial District.

Referred to **Courts and Judicial Districts and Criminal Justice Committee**.

By Senators Speed, Raynor, Alford, Daniels, McDuffie, Mathis, Lawing, Allsbrook, White, Clarke, Harris, Rauch, Palmer, and Redman:

S. B. 395, a bill to increase the punishment for larceny of a firearm.

Referred to **Judiciary III Committee**.

By Senators Speed, Alford, Daniels, Raynor, Jenkins, Lawing, White, McDuffie, Harris, Palmer, Rauch, Redman, Clarke, and Smith:

S. B. 396, a bill to increase the punishment for stealing horses, mules, and cattle.
Referred to **Judiciary III Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives.

H. J. R. 717, a joint resolution urging the Civil Aeronautics Board not to pass regulations banning smoking aboard all commercial airplane flights.

On motion of Senator Lawing, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered enrolled.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 406, Committee Substitute for **H. B. 406**, a bill to change the form of petition to form a new party and to reduce the signature requirement.

Referred to **Election Laws Committee**.

H. B. 474, a bill to amend G. S. 130-275(a)(1) to clarify the grounds on which a penalty can be levied against a nursing home.

Referred to **Judiciary I Committee**.

H. B. 537, a bill to shorten the waiting period for retirement refund in the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System.

Referred to **Pensions and Retirement Committee**.

H. B. 539, a bill to repeal a law authorizing a referendum on the merger of the Towns of Waynesville and Hazelwood.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 553, a bill to extend to volunteer firemen supplemental retirement benefits in the City of Lenoir.

Referred to **Pensions and Retirement Committee**.

H. J. R. 678, a joint resolution condemning the traitorous and violent attack on the life of President Reagan and supporting the victims of this attack and their families in their ordeal.

Referred to **Rules and Operation of the Senate Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 72, House Committee Substitute for Senate Committee Substitute for **S. B. 72**, a bill to amend the Fair Sentencing Act, As Amended in 1980, for concurrence in the House Committee Substitute for the Senate Committee Substitute for the Senate bill, upon third reading.

On motion of Senator Barnes, the Senate concurs in the House Committee Substitute for the Senate Committee Substitute for the Senate bill, upon third reading, and the bill is ordered enrolled.

S. B. 175, Committee Substitute bill for **S. B. 175**, a bill to exclude allotments as separate value of ad valorem taxation.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 276, a bill to revise the Charter of the Town of Granite Falls, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Lawing, Marion, Mathis, McDuffie, Mills, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 44.

The bill is ordered sent to the House of Representatives.

H. B. 197, a bill to amend North Carolina G. S. 50-11(c) to provide that divorce not affect alimony rights, as amended.

Senator Soles offers Amendment No. 2 which is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

H. B. 321, a bill to amend G. S. 14-33 to provide increased punishment for an assault on school personnel, upon second reading.

The bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Frye, Garrison, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Johnson, Jordan, Lawing, Marion, Mathis, McDuffie, Mills, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 43.

The bill remains on the Calendar, upon third reading.

H. B. 416, a bill to validate certain corporate deeds executed without the corporate seal.

On motion of Senator Jenkins, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 642, a bill to authorize a referendum in Columbus County to determine whether the County Board of Education shall be elected at the time of the county primary or general election: to provide compensation for said Board; and to appoint four members to the Whiteville City School Administrative Unit Board.

Senator Soles offers Amendment No. 1 which is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 190, an act to provide that the Buncombe County Board of Education shall be elected in the first primary by a modified election and runoff method.

April 3, 1981

H. B. 54, an act to permit the City of New Bern to construct, operate, and lease a marina.

H. B. 422, an act to provide for the membership of the Beech Mountain Sanitary District Board of Commissioners.

H. B. 452, an act to allow the Concord City and Cabarrus County Boards of Education to jointly set the boundaries of the Concord City School Administrative Unit.

H. B. 467, an act to allow the Wilkes County Board of Education to convey a tract of land.

H. B. 471, an act exempting from the provision of Article 12, Chapter 160A, of the General Statutes of North Carolina, the County of Madison as to leases or sales of real estate owned, or hereafter owned by it, as an industrial park, or for the purposes of industrial development.

H. B. 476, an act to provide for staggered four-year terms for the Elkin Town Board of Commissioners in 1981, and increase the term of the mayor to four years in 1983, and to delete obsolete Charter provisions.

H. B. 500, an act to allow the City of Kinston and Lenoir County to acquire land for industrial development and dispose of same without public sale.

H. B. 502, an act authorizing the Greensboro City Board of Education to convey certain real property to the North Carolina Coaches Association.

On motion of Senator Lawing, seconded by Senator Harris, the Senate adjourns to meet Monday at 8:00 P.M.

FIFTY-NINTH DAY

SENATE CHAMBER,
Monday, April 6, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father; as we begin this new week, remind us that You are always as close to us as our own breath, which is the symbol of Your spirit's presence. We confess that sometimes we feel abandoned and alone in the midst of confusing priorities and demands for our time, our attention, and our loyalty. Help us to know that when we call upon You we are never alone, but can depend on Your spirit for the comfort, the encouragement, the support and the wisdom we need. We especially ask Your blessing on the men and women of this Senate as they exercise the leadership to which they have been called. Enlighten them, encourage them, and embolden them for finding, cherishing, and doing Your will among the people. Amen."

Senator Royall for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

April 6, 1981

The President grants leaves of absence to Senators Harrington, Jernigan, and Rauch for tonight; and to Senator Duncan for tonight and tomorrow, April 7.

The President extends courtesies of the gallery to Hugh Sandlin, former Representative from Onslow County.

The President recognizes the following pages serving in the Senate this week: Christopher Todd Bell, Fayetteville; Drake Berryhill, Raleigh; Crissie Louise Curtis, Rocky Mount; John Stuart Dawson, Goldsboro; Amanda Louise Dunn, Fayetteville; Louise Herring Evans, Greenville; Robert Alan Hatley, Greensboro; Jay Bryan Henderson, Newton Grove; Karen Denise Holmes, Haw River; Sarah Elaine James, Mebane; Randy Scott Mallard, Wendell; Linda Evelyn Padgett, Jacksonville; Julie Lynn Peterson, Tarboro; Christy Richardson, Bladenboro; Jeffrey Edward Sides, Stanfield; Tonya Renee Thompson, Lumberton; Doc Jones Thurston III, Charlotte; Heidi Kathleen VanDine, Hope Mills; Donna Joyce Wright, Jarvisburg; and Gregory McKenzie Wyatt, Raleigh.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Ward:

S. B. 397, a bill to provide corneal tissue for transplant.
Referred to **Human Resources Committee**.

By Senators Clarke and Swain:

S. B. 398, a bill concerning the establishment of a museum service branch of the North Carolina Museum of History in Old Fort.
Referred to **Appropriations Committee**.

By Senator Lawing:

S. B. 399, a bill to require a seller of personal property to disclose lien holders and to provide that the seller may be liable for treble damages for any injury caused by failure to disclose.

Referred to **Judiciary II Committee**.

Senator Hancock moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Hancock:

S. B. 400, a bill to limit the authority of occupational licensing boards to disqualify persons from licensing.

Referred to **State Government Committee**.

Senator Hancock moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Hancock:

S. B. 401, a bill to repeal the double sunset provision on the Radiation Protection Act.
Referred to **State Government Committee**.

By Senators Mathis, Thomas of Henderson, Vickery, Clarke, Raynor, Wynne, Palmer, McDuffie, Jenkins, Swain, Marion, Harris, Warren, Barnes, Allsbrook, Thomas of Craven, Harrington, White, and Lawing:

S. B. 402, a bill to amend the North Carolina Act for the Regulation of Credit Life Insurance and Credit Accident and Health Insurance (G.S. 58-341 *et seq.*).
Referred to **Insurance Committee**.

By Senators Mathis, Thomas of Henderson, Vickery, Clarke, Jenkins, Lawing, Harris, Palmer, Daniels, Raynor, Jordan, Swain, Marion, Warren, Alford, Allsbrook, Thomas of Craven, Barnes, White, Ward, Hardison, Hancock, and Speed:

S. B. 403, a bill to mandate the accrual of interest on money judgments awarded in actions other than contract from the filing of the claim.
Referred to **Judiciary I Committee**.

Senator Boger moves that Rule 41 be suspended to allow the introduction and referral to Committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Boger, White, Speed, and Palmer:

S. B. 404, a bill to amend Article 52 of Chapter 143 of the North Carolina General Statutes entitled "The North Carolina Pesticide Law of 1971".
Referred to **Agriculture Committee**.

By Senator Barnes:

S. B. 405, a bill to repeal G. S. 163-178, which requires clerks of court to report election results to the Secretary of State.
Referred to **State Government Committee**.

By Senator Barnes:

S. B. 406, a bill to amend G. S. 15A-603 to require the judge at a preliminary hearing to advise an indigent defendant that if he is convicted and placed on probation he may become liable for costs of assigned counsel.
Referred to **State Government Committee**.

Senator Thomas of Craven moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Thomas of Craven (By Request):

S. B. 407, a bill to transfer watershed approval authority for watershed workplans and the use of channelization to the Soil and Water Conservation Commission and to clarify Chapter 139 of the General Statutes.
Referred to **Natural and Economic Resources and Wildlife Committee**.

Senator Thomas of Craven moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Thomas of Craven:

S. B. 408, a bill to provide for soil and water conservation district supervisor recommendations to be made by the full board of supervisors.

Referred to **Natural and Economic Resources and Wildlife Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. J. R. 576, a joint resolution honoring the life and memory of William Thomas Hatch, former member of the General Assembly.

On motion of Senator Johnson, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered enrolled.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 51, a bill to permit the board of directors of a business development corporation to negotiate the rate of interest payable on loans by members.

Referred to **Banking Committee**.

H. B. 125, a bill to rewrite Article 8D of Chapter 105 of the General Statutes governing the taxation of savings and loan associations in North Carolina.

Referred to **Ways and Means Committee**.

H. B. 359, a bill to amend G. S. 20-81 relating to the registration of motor vehicles by diplomatic officials.

Referred to **Transportation Committee**.

H. B. 410, Committee Substitute for **H. B. 410**, a bill to amend G. S. 90-113.3(c)(3) to permit contracting between the Department of Human Resources and any district attorney.

Referred to **Judiciary I Committee**.

H. B. 478, a bill to annex a described area to the Town of Columbus in Polk County.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 486, a bill to revise and consolidate the Charter of the Town of Forest City and to repeal prior local acts.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 492, a bill to permit fox harvesting under certain conditions in Currituck County.

Referred to **Natural and Economic Resources and Wildlife Committee**.

H. B. 501, a bill adopting and enacting a new Charter for the City of Thomasville, North Carolina.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 511, a bill to provide for an election in Hatteras Village on the question of creating and establishing the Hatteras Village Community Center District and for the levy and collection of an ad valorem tax for repair, maintenance and operation of a Community Center Building.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 536, a bill to require consent of the Board of County Commissioners before land in Brunswick or Pender County may be condemned or acquired by a unit of local government outside the County.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 546, a bill to authorize the Wildlife Resource Commission to regulate the harvesting of foxes by firearms and trapping under certain conditions in Guilford County.

Referred to **Natural and Economic Resources and Wildlife Committee**.

H. B. 552, a bill to provide an additional procedure by which the City may acquire property for public purposes by eminent domain.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 593, a bill to regulate the disposal of hazardous wastes and radioactive material in Anson County.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 595, a bill permitting hunting with dogs in part of Chowan County.

Referred to **Natural and Economic Resources and Wildlife Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 153, a bill to recodify the Social Services Laws in G. S. Chapter 108, upon second reading.

The bill passes its second reading by roll-call vote, ayes 39, noes 3, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Frye, Garrison, Gray, Hancock, Hardison, Harris, Johnson, Jordan, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wynne — 39.

Voting in the negative: Senators Allred, Kincaid, and Wright — 3.

The bill remains on the Calendar upon third reading.

H. B. 321, a bill to amend G. S. 14-33 to provide increased punishment for an assault on school personnel, upon third reading.

The bill passes its third reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Cavanagh, Clarke, Creech, Daniels, Frye, Garrison, Gray, Hancock, Hardison, Harris, Jenkins, Jordan, Kincaid, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Raynor, Redman, Royall, Smith, Soles, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 40.

The bill is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 72, House Committee Substitute for Senate Committee Substitute for **S. B. 72**, an act to amend the Fair Sentencing Act, As Amended in 1980.

H. J. R. 717, a joint resolution urging the Civil Aeronautics Board not to pass regulations banning smoking aboard all commercial airplane flights.

On motion of Senator Royall, seconded by Senator Garrison, the Senate adjourns to meet tomorrow at 1:30 P.M.

SIXTIETH DAY

SENATE CHAMBER,
Tuesday, April 7, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"We praise and thank You, O Lord, in the assembly of this people, for You have done wonderful deeds. You are full of majesty and honor, and Your goodness is eternal. Remind us daily of our eternal debt to Your goodness, O God, and help us always to be as aware of the needs of others as You have been aware of our needs. Give us hearts that want to share what we have, and help us to be glad when others are blessed. Help us, in all that we do, to work toward that day when all Your children shall enjoy the benefits of Your creation; when pain and hunger shall be banished from the earth; when violence and crying shall be no more; and all people shall praise Your name. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

A leave of absence granted previously to Senator Duncan is noted.

Senator Barnes submits the Report of the North Carolina Courts Commission to the General Assembly. (A copy of the Report is on file in the Legislative Library.)

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator White for the **Agriculture Committee**:

S. B. 200, a bill to appropriate funds to the Department of Agriculture for market development for North Carolina agricultural products, with a favorable report.

On motion of Senator White, the bill is re-referred to the **Appropriations Committee**.

S. B. 201, a bill to appropriate funds to the Department of Agriculture to meet increased demand for soil, plant and nematode advisory services, with a favorable report.

On motion of Senator White, the bill is re-referred to the **Appropriations Committee**.

S. B. 235, a bill to appropriate funds to the Department of Agriculture for additional personnel at the Clinton and Tidewater Research Stations, with a favorable report.

On motion of Senator White, the bill is re-referred to the **Appropriations Committee**.

S. B. 236, a bill to appropriate funds to the Department of Agriculture for inspection of alcohol and synthetic fuels, with a favorable report.

On motion of Senator White, the bill is re-referred to the **Appropriations Committee**.

S. B. 237, a bill to appropriate funds to the Department of Agriculture for control of aflatoxin in cornmeal, with a favorable report.

On motion of Senator White, the bill is re-referred to the **Appropriations Committee**.

S. B. 238, a bill to appropriate funds to the Department of Agriculture for the Livestock Fee Advisory Service, with a favorable report.

On motion of Senator White, the bill is re-referred to the **Appropriations Committee**.

By Senator Allsbrook for the **Judiciary I Committee**:

H. B. 474, a bill to amend G. S. 130-275(a)(1) to clarify the grounds on which a penalty can be levied against a nursing home, with a favorable report.

By Senator Soles for the **Judiciary II Committee**:

H. B. 417, Committee Substitute for **H. B. 417**, a bill to validate certain trustees' deeds executed without a seal, with a favorable report.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 253, a bill to authorize separate domicile for married women for purpose of voting, for concurrence in the House Committee Substitute, which changes the title of the bill to read **S. B. 253**, House Committee Substitute for **S. B. 253**, a bill to authorize separate domicile for spouse for purpose of voting.

The House Committee Substitute bill is placed on the Calendar for tomorrow, April 8.

H. B. 250, Committee Substitute for **H. B. 250**, a bill to provide for auxiliary services at the North Carolina Museum of Art.

Referred to **State Government Committee**.

H. B. 352, Committee Substitute for **H. B. 352**, a bill to allow rural fire protection districts to provide emergency medical, rescue, and ambulance service.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 466, a bill to allow the Town of Farmville and the Town of Fountain to collect on motor vehicles a tax of not more than five dollars.

Referred to **Finance Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 153, a bill to recodify the Social Services Laws in G. S. Chapter 108, upon third reading.

The bill passes its third reading by roll-call vote, ayes 43, noes 4, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Ballenger, Barnes, Boger, Clarke, Cockerham, Creech, Daniels, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, and Wynne — 43.

Voting in the negative: Senators Allred, Baker, Kincaid, and Wright — 4.

The bill is ordered sent to the House of Representatives.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 111, an act to amend the General Statutes of North Carolina relating to the promotion of agriculture research and dissemination of findings.

H. B. 321, an act to amend G. S. 14-33 to provide increased punishment for an assault on school personnel.

H. J. R. 576, a joint resolution honoring the life and memory of William Thomas Hatch, former member of the General Assembly.

On motion of Senator Lawing, seconded by Senator Hardison, the Senate adjourns to meet tomorrow at 1:30 P.M.

SIXTY-FIRST DAY

SENATE CHAMBER,
Wednesday, April 8, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Joe Brown, Pastor of Lovegrove A.M.E. Zion Church, Swan, and a member of the Senate Sergeant-at-Arms staff.

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senators Harris and Cockerham for today, to Senator Thomas of Henderson for April 9 and 10, and to Senator Jenkins for April 8, 9, and 10, who is attending a conference on pensions and retirement in Washington, D.C.

The President extends courtesies of the floor to Marvin K. Blount, Sr., former Senator from Pitt County.

REMOVAL OF ENDORSEMENT

S. B. 324, a bill to facilitate the prosecution of marijuana offenses by expanding District Court jurisdiction.

Without objection, Senator Alford is allowed to withdraw his endorsement of the bill.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator McDuffie for the **Election Laws Committee**:

S. B. 306, a bill to provide for requesting and giving notice of a second primary, with a favorable report.

By Senator Rauch (Vice-Chairman) for the **Finance Committee**:

S. B. 310, a bill to prohibit counties or cities from collecting inspection fees after a vehicle providing electrical power for amusement devices has been inspected by the Department of Labor, with a favorable report.

On motion of Senator Rauch, the bill is placed on the Calendar for Wednesday, April 15.

S. B. 311, a bill to allocate all of the State ceiling for tax exempt mortgage subsidy bonds to the North Carolina Housing Finance Agency, with a favorable report.

S. B. 332, a bill to eliminate the application and deferral requirements from the ad valorem taxation of historic property, with a favorable report.

S. B. 335, a bill to amend Chapter 122A of the General Statutes to extend the allowable bond term for bonds issued by the North Carolina Housing Finance Agency to forty-three years, with a favorable report.

S. B. 336, a bill to amend Chapter 122A of the General Statutes to enable the North Carolina Housing Finance Agency to participate in the making of mortgage loans for the rehabilitation of existing housing for low and moderate income persons, with a favorable report, as amended.

H. B. 469, a bill to exempt litter materials from the sales tax, with a favorable report.

H. B. 490, a bill to allow the Town of Williamston to collect on motor vehicles a tax of not more than five dollars, with a favorable report.

By Senator Marion for the **Local Government and Regional Affairs Committee**:

S. B. 294, a bill to allow a referendum on repeal of a hospital tax levied under Article 13C of Chapter 131 of the General Statutes, with a favorable report.

S. B. 343, a bill to amend the City of Wilmington Charter regarding preparation of instruments, with a favorable report.

S. B. 344, a bill to amend the City of Wilmington Charter regarding revisions or amendments to ordinances and resolutions, with a favorable report.

S. B. 345, a bill to amend the Charter of the City of Wilmington to clarify the right of the mayor to vote, with a favorable report.

S. B. 347, a bill to amend the Charter of the City of Wilmington deleting reference to the organizational meeting of City Council to conform to Chapter 1247 of the 1979 Session Laws, with a favorable report.

S. B. 361, a bill to merge the Towns of Lewiston and Woodville in Bertie County into a single municipality to be known as the Town of Lewiston Woodville, with a favorable report.

S. B. 363, a bill to provide that beginning in 1986, the Sampson County Board of Education shall take office in July, with a favorable report.

H. B. 352, Committee Substitute for **H. B. 352**, a bill to allow rural fire protection districts to provide emergency medical, rescue, and ambulance service, with a favorable report.

H. B. 411, a bill to provide that the mayor and Board of Aldermen of the Town of Robbinsville be elected for four-year terms, with a favorable report.

H. B. 429, a bill to incorporate the Town of Kitty Hawk in Dare County, with a favorable report.

H. B. 443, a bill to provide that the sheriff issue Currituck County pistol permits, with a favorable report.

H. B. 478, a bill to annex a described area to the Town of Columbus in Polk County, with a favorable report.

H. B. 482, a bill to modify the Raleigh Civil Service Act, with a favorable report.

H. B. 486, a bill to revise and consolidate the Charter of the Town of Forest City and to repeal prior local acts, with a favorable report.

H. B. 501, a bill adopting and enacting a new Charter for the City of Thomasville, North Carolina, with a favorable report.

H. B. 511, a bill to provide for an election in Hatteras Village on the question of creating and establishing the Hatteras Village Community Center District and for the levy and collection of an ad valorem tax for repair, maintenance and operation of a Community Center Building, with a favorable report.

H. B. 539, a bill to repeal a law authorizing a referendum on the merger of the Towns of Waynesville and Hazelwood, with a favorable report.

H. B. 552, a bill to provide an additional procedure by which the City may acquire property for public purposes by eminent domain, with a favorable report.

By Senator Johnson for the **Public Utilities and Energy Committee**:

H. B. 277, a bill to amend certain provisions of Chapter 62 of the General Statutes, the Public Utilities Act, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Daniels, Mills, Thomas of Craven, Noble, Raynor, Alford, Soles, Walker, Palmer, Garrison, Thomas of Henderson, and Jordan:

S. B. 409, a bill to appropriate funds to the Department of Natural Resources and Community Development, Division of Marine Fisheries to allow the Division to continue to protect public health and public resources and to increase shellfish rehabilitation and management efforts.

Referred to **Appropriations Committee**.

By Senators Palmer, White, and Speed:

S. B. 410, a bill to rewrite the liquefied petroleum gases safety law.

Referred to **Public Utilities and Energy Committee**.

By Senators Jenkins, Swain, Mathis, Lawing, Cockerham, and Hardison:

S. B. 411, a bill to define the practice of chiropractic.

Referred to **Judiciary II Committee**.

By Senators Rauch and Marvin:

S. B. 412, a bill to appropriate funds for restoration of the Hoffman Hotel.

Referred to **Appropriations Committee**.

By Senator Gray (By Request):

S. B. 413, a bill relating to insurance premium financing.

Referred to **Banking Committee**.

By Senator McDuffie:

S. B. 414, a bill to amend the General Statutes relating to rural fire protection districts.

Referred to **Finance Committee**.

By Senators McDuffie and Cavanagh:

S. B. 415, a bill to rewrite G. S. 163-112 to provide for the filling of vacancy due to death of a candidate occurring after the filing period closes and before the primary.

Referred to **Election Laws Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 89, House Committee Substitute for **S. B. 89**, a bill to allow staggered terms for district boards of health, for concurrence in the House Committee Substitute for the Senate bill.

Referred to **Human Resources Committee**.

S. J. R. 193, House Committee Substitute for **S. J. R. 193**, a joint resolution to establish the procedure for nominating and electing members of the Board of Governors of the University of North Carolina, for concurrence in the House Committee Substitute joint resolution for Senate joint resolution which is placed on the Calendar for tomorrow, April 9.

S. B. 212, a bill to amend G. S. 136-28.1 to require all contracts over thirty thousand dollars for highway construction or repair to be let on bids, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow, April 9.

H. B. 219, Committee Substitute for **H. B. 219**, a bill to amend the composition of the Child Day-Care Licensing Commission.

Referred to **State Government Committee**.

H. B. 283, Committee Substitute for **H. B. 283**, a bill to amend Chapter 90A, Article 2, concerning certification of water treatment facility operators.

Referred to **Natural and Economic Resources and Wildlife Committee**.

H. B. 330, a bill relating to prima facie rules of evidence for enforcement of parking regulations in Mecklenburg County.

Referred to **Judiciary II Committee**.

H. B. 520, a bill to clarify when candidates are declared nominated without a primary.

Referred to **Election Laws Committee**.

H. B. 526, a bill to establish minimum compensation for supervisors of elections in modified full-time registration counties.

Referred to **Election Laws Committee**.

H. B. 541, a bill to allow Bertie and Martin Counties to operate a regional jail.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 575, a bill to make void voter registration applications when certain provisions of G. S. 163-72 are not followed.

Referred to **Election Laws Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 253, House Committee Substitute for **S. B. 253**, a bill to authorize separate domicile for spouse for purpose of voting, for concurrence in the House Committee Substitute bill.

On motion of Senator McDuffie, the Senate concurs in the House Committee Substitute bill and the bill is ordered enrolled.

S. B. 315, a bill to validate certain acts of notaries.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

Senator Soles moves that the vote by which the bill passed its third reading be reconsidered, which motion prevails.

On motion of Senator Soles, duly seconded, the bill is postponed indefinitely.

H. B. 417, Committee Substitute for **H. B. 417**, a bill to validate certain trustees' deeds executed without a seal.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 474, a bill to amend G. S. 130-275(a)(1) to clarify the grounds on which a penalty can be levied against a nursing home, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Jernigan, Johnson, Jordan, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 45.

The bill remains on the Calendar, upon third reading.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 196, an act to amend G. S. 50-6 to provide that divorce not affect alimony rights.

On motion of Senator Lawing, seconded by Senator Barnes, the Senate adjourns to meet tomorrow at 1:30 P.M.

SIXTY-SECOND DAY

SENATE CHAMBER,

Thursday, April 9, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Polk Moffett, former Pastor of White Memorial Presbyterian Church, Raleigh.

Senator Royall for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants a leave of absence to Senator Lawing for today, to Senator Mathis for tomorrow, April 10, and to Senator Thomas of Craven, who is attending a meeting of the State-Federal Assembly Committee on Natural and Economic Resources of the National Conference of State Legislatures, for today and tomorrow, April 10. Leaves of absence granted previously to Senators Jenkins and Thomas of Henderson are noted.

On motion of Senator Frye, courtesies of the floor are extended to an official delegation from the Federal Republic of Nigeria. The Deputy Speaker of the House of Assembly briefly addresses the Senate.

April 9, 1981

RE-REFERRAL

S. B. 410, a bill to rewrite the liquefied petroleum gases safety law.

Without objection, the Chair directs that the bill be taken from the **Public Utilities and Energy Committee** and re-referred to the **Agriculture Committee**.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Mills for the **Banking Committee**:

S. B. 158, a bill to change the rate of interest in the Consumer Finance Act and to correct several references to the new legal usury rate and loan ceiling, with a favorable report, as amended.

On motion of Senator Mills, the bill is placed on the Calendar for Tuesday, April 14.

By Senator Clarke for the **Constitutional Amendments Committee**:

S. B. 300, a bill to amend the Constitution of North Carolina to provide for four-year terms for members of the General Assembly and to make conforming changes to other Sections of the Constitution concerning elections for other officers and filling vacancies, with a favorable report.

On motion of Senator Clarke, the bill is placed on the Calendar for Tuesday, April 14.

By Senator Harris for the **Human Resources Committee**:

S. B. 375, a bill to amend certain portions of Article 17 and 17A of Chapter 130 of the North Carolina General Statutes relating to the prevention, diagnosis and treatment of cancer, with a favorable report.

S. B. 380, a bill to authorize the Department of Human Resources to charge rates and fees for services rendered to the public, with a favorable report.

H. B. 242, a bill to make students in the Department of Human Resources institutions eligible for remediation funds for students who fail the competency test, with a favorable report.

H. B. 244, a bill to establish uniform age ranges in compulsory school attendance requirements and to delete certain archaic language, in Statutes regarding the Governor Morehead School and the Schools for the Deaf, with a favorable report.

By Senator Allsbrook for the **Judiciary I Committee**:

S. B. 301, a bill to establish a special conditional probation for persons convicted of making bomb threat calls, with a favorable report, as amended.

By Senator Barnes for the **State Government Committee**:

S. B. 120, a bill regarding Statutes of Limitation, with a favorable report, as amended.

S. B. 312, a bill to prohibit the possession, whether openly or concealed, of any weapon while on any State property, with a favorable report, as amended.

H. B. 300, a bill to amend Chapter 90, Article 11, of the General Statutes relating to veterinarians, with a favorable report, as amended.

H. B. 333, a bill to authorize the Division of Archives and History to preserve historically significant information in abandoned cemeteries that is in danger of loss, as recommended by the Abandoned Cemeteries Study Committee, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Lawing:

S. B. 416, a bill to amend the North Carolina Health Planning and Resource Development Act of 1978.

Referred to **Human Resources Committee**.

By Senator Johnson:

S. B. 417, a bill to make technical changes to Chapter 116B regarding escheats and abandoned property.

Referred to **Judiciary II Committee**.

By Senator Barnes:

S. B. 418, a bill to provide that the magistrates' seniority salary steps take effect on the anniversary date of appointment.

Referred to **Courts and Judicial Districts and Criminal Justice Committee**.

By Senator Barnes:

S. B. 419, a bill to repeal Article 5 of the General Statutes Chapter 39 which requires persons wishing to sell certain types of building lots to first obtain a permit to do so from the Clerk of Superior Court.

Referred to **Courts and Judicial Districts and Criminal Justice Committee**.

By Senator Barnes:

S. B. 420, a bill to amend G. S. 122-58.7 to require the district attorney to provide counsel for the State for involuntary commitment hearings held in the county of origin of the commitment proceedings.

Referred to **Courts and Judicial Districts and Criminal Justice Committee**.

By Senator Palmer:

S. B. 421, a bill to appropriate funds for the National Guard Tuition Assistance Act of 1975.

Referred to **Appropriations Committee**.

By Senators Wynne, Mathis, Jordan, Noble, Ballenger, and Kincaid:

S. B. 422, a bill to make technical amendments to the Life and Accident and Health Insurance Guaranty Act.

Referred to **Insurance Committee**.

By Senators Wynne, Mathis, Jordan, Noble, Ballenger, and Kincaid:

S. B. 423, a bill to provide a limit on liability under the North Carolina Life and Accident and Health Insurance Guaranty Association Act.

Referred to **Insurance Committee**.

Senator Allsbrook moves that Rules 40 and 41 be suspended to allow the introduction of the following joint resolution, which motion prevails by a two-thirds majority vote.

By Senators Allsbrook and White:

S. J. R. 424, a joint resolution commemorating the 205th Anniversary of the Halifax Resolves.

On motion of Senator Allsbrook, the rules are suspended and the joint resolution is placed on the Calendar for Friday, April 10.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives.

H. J. R. 800, a joint resolution commemorating the 205th Anniversary of the Halifax Resolves.

On motion of Senator Allsbrook, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered enrolled.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 80, a bill to vest authority in the Museum of Natural History for examination of reptiles, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow, April 10.

H. B. 220, Committee Substitute for **H. B. 220**, a bill to authorize hearing officers designated by the Secretary of Administration to make initial decisions concerning disciplinary action against persons operating day care facilities.

Referred to **Human Resources Committee**.

H. B. 222, Committee Substitute for **H. B. 222**, a bill to amend statutes allowing day-care facilities to care for twenty percent (20%) more children than the base child/staff ratio.

Referred to **Human Resources Committee**.

H. B. 252, Committee Substitute No. 2 for **H. B. 252**, a bill to allow telephone service of subpoenas for the attendance of witnesses.

Referred to **Judiciary II Committee**.

H. B. 269, Committee Substitute for **H. B. 269**, a bill to prohibit the use of citation quotas by the State Highway Patrol.

Referred to **Law Enforcement and Crime Control Committee**.

H. B. 505, a bill to authorize transfer of institutionalized patients without notice only for emergency medical treatment, emergency evaluation or emergency surgery.

Referred to **Human Resources Committee**.

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H. J. R. 524, a joint resolution authorizing the Legislative Research Commission to study the feasibility of consolidating the State computer systems.

Referred to **Rules and Operation of the Senate Committee**.

H. B. 544, a bill regarding identification of the drafter of a deed or deed of trust.

Referred to **Judiciary III Committee**.

H. B. 561, a bill to clarify provisions regarding payment of medical expenses in occupational disease cases.

Referred to **Manufacturing, Labor and Commerce Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. J. R. 193, House Committee Substitute for **S. J. R. 193**, a joint resolution to establish the procedure for nominating and electing members of the Board of Governors of the University of North Carolina, for concurrence in the House Committee Substitute Resolution.

On motion of Senator Vickery, the Senate concurs in the House Committee Substitute Joint Resolution, and the joint resolution is ordered enrolled.

S. B. 212, a bill to amend G. S. 136-28.1 to require all contracts over thirty thousand dollars for highway construction or repair to be let on bids, for concurrence in House Amendment No. 1.

On motion of Senator Garrison, the Senate concurs in House Amendment No. 1, and the bill is ordered enrolled.

S. B. 294, a bill to allow a referendum on repeal of a hospital tax levied under Article 13C of Chapter 131 of the General Statutes.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 306, a bill to provide for requesting and giving notice of a second primary.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 311, a bill to allocate all of the State ceiling for tax exempt mortgage subsidy bonds to the North Carolina Housing Finance Agency, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, Kincaid, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 45.

The bill remains on the Calendar upon third reading.

S. B. 332, a bill to eliminate the application and deferral requirements from the ad valorem taxation of historic property.

The bill passes its second reading.

On objection of Senator Noble, the bill remains on the Calendar upon third reading.

S. B. 335, a bill to amend Chapter 122A of the General Statutes to extend the allowable bond term for bonds issued by the North Carolina Housing Finance Agency to forty-three years, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, Kincaid, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Redman, Royall, Smith, Soles, Speed, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 42.

The bill remains on the Calendar upon third reading.

S. B. 336, a bill to amend Chapter 122A of the General Statutes to enable the North Carolina Housing Finance Agency to participate in the making of mortgage loans for the rehabilitation of existing housing for low and moderate income persons, upon second reading.

On motion of Senator Creech, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, Kincaid, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Redman, Royall, Smith, Soles, Speed, Swain, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 44.

The bill, as amended, remains on the Calendar upon third reading.

S. B. 343, a bill to amend the City of Wilmington Charter regarding preparation of instruments, upon second reading.

The bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, Kincaid, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 44.

The bill remains on the Calendar upon third reading.

S. B. 344, a bill to amend the City of Wilmington Charter regarding revisions or amendments to ordinances and resolutions.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 345, a bill to amend the Charter of the City of Wilmington to clarify the right of the mayor to vote, upon second reading.

The bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, Kincaid, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 44.

The bill remains on the Calendar upon third reading.

S. B. 347, a bill to amend the Charter of the City of Wilmington deleting reference to the organizational meeting of City Council to conform to Chapter 1247 of the 1979 Session Laws, upon second reading.

The bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, Kincaid, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 44.

The bill remains on the Calendar upon third reading.

S. B. 361, a bill to merge the Towns of Lewiston and Woodville in Bertie County into a single municipality to be known as the Town of Lewiston Woodville, upon second reading.

The bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, Kincaid, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 44.

The bill remains on the Calendar upon third reading.

S. B. 363, a bill to provide that beginning in 1986, the Sampson County Board of Education shall take office in July.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H. B. 277, a bill to amend certain provisions of Chapter 62 of the General Statutes, the Public Utilities Act.

The bill passes its second and third readings and is ordered enrolled.

H. B. 352, Committee Substitute for **H. B. 352**, a bill to allow rural fire protection districts to provide emergency medical, rescue, and ambulance service, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Jordan, Kincaid, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Redman, Royall, Smith, Soles, Speed, Swain, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 43.

Without objection, the Chair removes the Committee Substitute bill from the Calendar and re-refers it to the Finance Committee.

H. B. 411, a bill to provide that the mayor and Board of Aldermen of the Town of Robbinsville be elected for four-year terms.

The bill passes its second and third readings and is ordered enrolled.

H. B. 428, a bill to amend the 1973 Session Laws, Chapter 1283, to empower the Town of Matthews with the same zoning authority as granted Mecklenburg County and the City of Charlotte.

The bill passes its second and third readings and is ordered enrolled.

H. B. 429, a bill to incorporate the Town of Kitty Hawk in Dare County, upon second reading.

The bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, Kincaid, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 44.

The bill remains on the Calendar upon third reading.

H. B. 443, a bill to provide that the sheriff issue Currituck County pistol permits. The bill passes its second and third readings and is ordered enrolled.

H. B. 469, a bill to exempt litter materials from the sales tax, upon second reading.

The bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Johnson, Jordan, Kincaid, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Redman, Royall, Smith, Soles, Speed, Swain, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 43.

The bill remains on the Calendar upon third reading.

H. B. 474, a bill to amend G. S. 130-275(a)(1) to clarify the grounds on which a penalty can be levied against a nursing home, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, Kincaid, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Royall, Smith, Soles, Speed, Swain, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 44.

The bill is ordered enrolled.

H. B. 478, a bill to annex a described area to the Town of Columbus in Polk County, upon second reading.

The bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, Kincaid, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 44.

The bill remains on the Calendar upon third reading.

H. B. 482, a bill to modify the Raleigh Civil Service Act.

On motion of Senator Johnson, consideration of the bill is postponed until Monday, April 27.

H. B. 486, a bill to revise and consolidate the Charter of the Town of Forest City and to repeal prior local acts, upon second reading.

The bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, Kincaid, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 44.

The bill remains on the Calendar upon third reading.

H. B. 490, a bill to allow the Town of Williamston to collect on motor vehicles a tax of not more than five dollars, upon second reading.

The bill passes its second reading by roll-call vote, ayes 41, noes 3, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, Kincaid, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Smith, Soles, Speed, Swain, Vickery, Walker, Ward, White, Wright, and Wynne — 41.

Voting in the negative: Hancock, Royall, and Warren — 3.

The bill remains on the Calendar upon third reading.

H. B. 501, a bill adopting and enacting a new Charter for the City of Thomasville, North Carolina, upon second reading.

The bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, Kincaid, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 44.

The bill remains on the Calendar upon third reading.

H. B. 511, a bill to provide for an election in Hatteras Village on the question of creating and establishing the Hatteras Village Community Center District and for the levy and collection of an ad valorem tax for repair, maintenance and operation of a Community Center Building, upon second reading.

The bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, Kincaid, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 44.

The bill remains on the Calendar upon third reading.

H. B. 539, a bill to repeal a law authorizing a referendum on the merger of the Towns of Waynesville and Hazelwood.

The bill passes its second and third readings and is ordered enrolled.

H. B. 552, a bill to provide an additional procedure by which the City may acquire property for public purposes by eminent domain, upon second reading.

The bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, Kincaid, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 44.

The bill remains on the Calendar upon third reading.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 241, an act to amend the Metropolitan Water Districts Act to conform the elections for water and sewer systems to the general election laws.

S. B. 243, an act to clarify the election laws in sanitary districts and to conform to the general election laws for special districts.

S. B. 249, an act to amend Chapter 130, Article 21, of the General Statutes relating to postmortem.

S. B. 252, an act to conform mosquito district elections to the general election laws.

S. B. 253, House Committee Substitute for **S. B. 253**, an act to authorize separate domicile for spouse for purpose of voting.

S. B. 255, an act to amend the election procedures for public hospitals to conform the various elections therein to the general election laws.

H. B. 197, an act to amend North Carolina G. S. 50-11(c) to provide that divorce not affect alimony rights.

H. B. 416, an act to validate certain corporate deeds executed without the corporate seal.

H. B. 417, Committee Substitute for **H. B. 417**, an act to validate certain trustees' deeds executed without a seal.

H. B. 642, an act to authorize a referendum in Columbus County to determine whether the County Board of Education shall be elected at the time of the county primary or general election; to provide compensation for said Board; and to appoint four members to the Whiteville City School Administrative Unit Board.

H. J. R. 800, a joint resolution commemorating the 205th Anniversary of the Halifax Resolves.

On motion of Senator Royall, seconded by Senator Duncan, the Senate adjourns in memory of General Omar N. Bradley, to meet tomorrow at 10:45 A.M.

SIXTY-THIRD DAY

SENATE CHAMBER,
Friday, April 10, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable W. Craig Lawing, President Pro Tempore.

Prayer is offered by the Honorable Ollie Harris, Senator from Cleveland County.

Senator Royall for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President Pro Tempore grants a leave of absence to Senator Soles for today, who is attending a meeting of the North Carolina Criminal Justice Education and Training Standards Commission in Chapel Hill. Leaves of absence granted previously to Senators Jenkins, Mathis, Thomas of Craven, and Thomas of Henderson are noted.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Allsbrook for the **Judiciary I Committee**:

S. B. 220, a bill to require counties and municipalities to contract for liability insurance, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Allsbrook, the rules are suspended and the Committee Substitute bill, which changes the title to read **S. B. 220**, Committee Substitute for **S. B. 220**, a bill to waive the governmental immunity of local governments in tort and to require them to respond in damages up to one hundred thousand dollars, is placed before the Senate for immediate consideration.

On motion of Senator Allsbrook, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, April 14.

S. B. 403, a bill to mandate the accrual of interest on money judgments awarded in actions other than contract from the filing of the claim, with a favorable report, as amended.

By Senator Jernigan for the **Manufacturing, Labor and Commerce Committee**:

S. B. 208, a bill to provide for interest to run on Workers' Compensation awards, with a favorable report, as amended.

S. B. 330, a bill to repeal Part 3, Article 10 of Chapter 143B of the General Statutes which established the Labor Force Development Council, with a favorable report.

By Senator Royall, for Senator Lawing for the **Rules and Operation of the Senate Committee**:

S. J. R. 318, a joint resolution honoring the life of Odell Sapp, a former District Court Judge and State Senator, with a favorable report.

S. J. R. 349, a joint resolution authorizing the Legislative Research Commission to study the feasibility of consolidating the State computer systems, with a favorable report.

On motion of Senator Royall, the joint resolution is re-referred to the **Appropriations Committee**.

H. J. R. 450, a joint resolution urging the United States Congress to allow the states flexibility in the use of federal-aid highway funds, with a favorable report.

H. J. R. 678, a joint resolution condemning the traitorous and violent attack on the life of President Reagan and supporting the victims of this attack and their families in their ordeal, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Barnes:

S. B. 425, a bill to appropriate funds to the Department of Agriculture to construct a farmers' market in Goldsboro.

Referred to **Appropriations Committee**.

By Senator Barnes:

S. B. 426, a bill to amend G. S. 7A-101 to raise the salary of the clerk of court in a county of less than 10,000 population to that of a clerk in the next highest population group.

Referred to **Courts and Judicial Districts and Criminal Justice Committee**.

By Senator Clarke:

S. J. R. 427, a joint resolution authorizing the Legislative Research Commission to study the laws of charitable solicitation.

Referred to **Rules and Operation of the Senate Committee**.

Senator Vickery moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Vickery and Walker:

S. B. 428, a bill to annex a described area to the Town of Aberdeen in Moore County.

Referred to **Local Government and Regional Affairs Committee**.

Senator Vickery moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Vickery and Walker:

S. B. 429, a bill to revise the Charter of the Town of Liberty.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Vickery and Walker:

S. B. 430, a bill regarding retirement credit when a person is employed with no provision for leave of absence.

Referred to **Pensions and Retirement Committee**.

Senator Kincaid moves that Rule 41 be suspended to allow the introduction and referral to committee of the following joint resolution, which motion prevails by a two-thirds majority vote.

By Senators Kincaid, Cavanagh, Boger, Wright, Ballenger, Baker, Allred, Redman, and Smith:

S. J. R. 431, a joint resolution in support of President Reagan's Economic Recovery Plan.

Referred to **Rules and Operation of the Senate Committee**.

By Senators Hardison, Rauch, Marvin, Mills, Harrington, Daniels, Raynor, Soles, McDuffie, Thomas of Henderson, Jenkins, Clarke, Palmer, Thomas of Craven, Speed, Warren, White, Jordan, Smith, Duncan, Walker, and Garrison:

S. B. 432, a bill to appropriate additional funds to the Library Resources Program.
Referred to **Appropriations Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 271, a bill to authorize the Secretary of Administration to adopt rules and regulations for the purchase of passenger automobiles.

Referred to **State Government Committee**.

H. B. 547, a bill to provide that certain additional ancient mineral claims are extinguished in certain counties; and that certain oil, gas and mineral interests are to be recorded in such counties.

Referred to **Judiciary II Committee**.

H. B. 578, a bill to raise the ceiling on the dollar amount of claims against the City of Lumberton for which the City Manager may settle.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 589, a bill to provide authority to Mecklenburg County, the City of Charlotte, and the Charlotte-Mecklenburg Board of Education to support noncommercial television or radio stations.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 596, a bill to allow Sampson County to convey at private sale the Newton Grove Medical Center and the Four County Medical Center to Rural Medical Services, Inc.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 613, a bill to provide that members of the Charlotte-Mecklenburg Board of Education shall receive the same mileage allowance as State officers and employees.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 673, a bill to expand the Hyde County Board of Commissioners from three to five members.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 701, a bill to allow the Union County Board of Education to pay its ten-month employees on or before the fifteenth day of each month.

Referred to **Local Government and Regional Affairs Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 80, a bill to vest authority in the Museum of Natural History for examination of reptiles, for concurrence in House Amendment No. 1.

On motion of Senator Harris, the Senate concurs in House Amendment No. 1 and the bill is ordered enrolled.

S. B. 120, a bill regarding Statutes of Limitation.

On motion of Senator Hardison, Committee Amendment No. 1 is adopted.

Senator Johnson offers Amendment No 2, to amend Committee Amendment No. 1, which is adopted.

The bill, as amended, passes its second reading.

On objection of Senator Barnes to its third reading, the bill, as amended, remains on the Calendar for Wednesday, April 15, for further consideration.

S. B. 301, a bill to establish a special conditional probation for persons convicted of making bomb threat calls.

Senator Warren moves the adoption of Committee Amendment No. 1.

On motion of Senator Warren, the bill and pending Committee Amendment No. 1 is recommitted to the **Judiciary I Committee**.

S. B. 311, a bill to allocate all of the State ceiling for tax exempt mortgage subsidy bonds to the North Carolina Housing Finance Agency, upon third reading.

The bill passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Speed, Swain, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 42.

The bill is ordered sent to the House of Representatives.

S. B. 312, a bill to prohibit the possession, whether openly or concealed, of any weapon while on any State property.

On motion of Senator Barnes, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading.

On objection of Senator Frye to its third reading, the bill, as amended, remains on the Calendar for Tuesday, April 14, for further consideration.

S. B. 332, a bill to eliminate the application and deferral requirements from the ad valorem taxation of historic property, upon third reading.

Senator Walker moves that the vote by which the bill passed its second reading be reconsidered, which motion prevails.

On motion of Senator Walker, the bill is recommitted to the **Finance Committee**.

S. B. 335, a bill to amend Chapter 122A of the General Statutes to extend the allowable bond term for bonds issued by the North Carolina Housing Finance Agency to forty-three years, upon third reading.

The bill passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Speed, Swain, Vickery, Walker, Ward, Warren, White, and Wright — 41.

The bill is ordered sent to the House of Representatives.

S. B. 336, a bill to amend Chapter 122A of the General Statutes to enable the North Carolina Housing Finance Agency to participate in the making of mortgage loans for the rehabilitation of existing housing for low and moderate income persons, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Speed, Swain, Walker, Ward, Warren, White, Wright, and Wynne — 42.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S. B. 343, a bill to amend the City of Wilmington Charter regarding preparation of instruments, upon third reading.

The bill passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Rauch, Raynor, Redman, Royall, Smith, Speed, Swain, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 41.

The bill is ordered sent to the House of Representatives.

S. B. 345, a bill to amend the Charter of the City of Wilmington to clarify the right of the mayor to vote, upon third reading.

The bill passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Rauch, Raynor, Redman, Royall, Smith, Speed, Swain, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 41.

The bill is ordered sent to the House of Representatives.

S. B. 347, a bill to amend the Charter of the City of Wilmington deleting reference to the organizational meeting of City Council to conform to Chapter 1247 of the 1979 Session Laws, upon third reading.

The bill passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Rauch, Raynor, Redman, Royall, Smith, Speed, Swain, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 41.

The bill is ordered sent to the House of Representatives.

April 10, 1981

S. B. 361, a bill to merge the Towns of Lewiston and Woodville in Bertie County into a single municipality to be known as the Town of Lewiston Woodville, upon third reading.

The bill passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Rauch, Raynor, Redman, Royall, Smith, Speed, Swain, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 41.

The bill is ordered sent to the House of Representatives.

S. B. 375, a bill to amend certain portions of Article 17 and 17A of Chapter 130 of the North Carolina General Statutes relating to the prevention, diagnosis and treatment of cancer.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 380, a bill to authorize the Department of Human Resources to charge rates and fees for services rendered to the public.

On motion of Senator Mills, the bill is re-referred to the **Finance Committee**.

S. J. R. 424, a joint resolution commemorating the 205th Anniversary of the Halifax Resolves.

On motion of Senator White, duly seconded, the joint resolution is postponed indefinitely.

H. B. 242, a bill to make students in the Department of Human Resources institutions eligible for remediation funds for students who fail the competency test.

The bill passes its second and third readings and is ordered enrolled.

H. B. 244, a bill to establish uniform age ranges in compulsory school attendance requirements and to delete certain archaic language, in Statutes regarding the Governor Morehead School and the Schools for the Deaf.

The bill passes its second reading.

On objection of Senator Creech to its third reading, the bill remains on the Calendar for Monday, April 13, for further consideration.

H. B. 300, a bill to amend Chapter 90, Article 11, of the General Statutes relating to veterinarians, with pending Amendment No. 1.

On motion of Senator Redman, pending Amendment No. 1 is withdrawn.

On motion of Senator Rauch, Committee Amendment No. 2 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 2.

H. B. 333, a bill to authorize the Division of Archives and History to preserve historically significant information in abandoned cemeteries that is in danger of loss, as recommended by the Abandoned Cemeteries Study Committee.

On motion of Senator Hancock, consideration of the bill is postponed until Monday, April 13.

H. B. 429, a bill to incorporate the Town of Kitty Hawk in Dare County, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger,

Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Speed, Swain, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 44.

The bill is ordered enrolled.

H. B. 469, a bill to exempt litter materials from the sales tax, upon third reading.

The bill passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Speed, Swain, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 43.

The bill is ordered enrolled.

H. B. 478, a bill to annex a described area to the Town of Columbus in Polk County, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Speed, Swain, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 44.

The bill is ordered enrolled.

H. B. 486, a bill to revise and consolidate the Charter of the Town of Forest City to repeal prior local acts, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Speed, Swain, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 44.

The bill is ordered enrolled.

H. B. 490, a bill to allow the Town of Williamston to collect on motor vehicles a tax of not more than five dollars, upon third reading.

The bill passes its third reading by roll-call vote, ayes 40, noes 3, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mills, Noble, Palmer, Rauch, Raynor, Redman, Smith, Speed, Swain, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 40.

Voting in the negative: Senators Baker, Hancock, and Royall — 3.

The bill is ordered enrolled.

H. B. 501, a bill adopting and enacting a new Charter for the City of Thomasville, North Carolina, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Speed, Swain, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 44.

The bill is ordered enrolled.

H. B. 511, a bill to provide for an election in Hatteras Village on the question of creating and establishing the Hatteras Village Community Center District and for the levy and collection of an ad valorem tax for repair, maintenance and operation of a Community Center Building, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Speed, Swain, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 44.

The bill is ordered enrolled.

H. B. 552, a bill to provide an additional procedure by which the City may acquire property for public purposes by eminent domain, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Speed, Swain, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 44.

The bill is ordered enrolled.

The Senate is reminded of a ceremonial convening of the North Carolina General Assembly to sit in Joint Session in the restored Historic Chamber of the House of Representatives in the Capitol, April 13, 1981, at 7:00 P.M. (See appendix.)

On motion of Senator Royall, seconded by Senator Jernigan, the Senate adjourns to meet Monday at 8:00 P.M.

SIXTY-FOURTH DAY

SENATE CHAMBER,
Monday, April 13, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend E. Edward Long, D.D., Pastor of St. John's Lutheran Church, Salisbury, as follows:

"We come, O Father, because we need strength beyond our own.

"We do not speak of strength to move mountains, or part the water of a sea, or turn water into wine. But we seek strength to do our job and to do it well. Grant us physical strength to do our job and yet have time for home and family. There are schedules to meet—resolutions to write—places to see—people to talk to—voices to hear—concessions to make—motions and amendments to consider—votes to cast—a business to run—a home—loved ones who need us—and we need them, too. Give us strength, Lord.

"When our mind gets tired, we get tired all over. O Father, we need strength beyond our own. Strength of mind. There is so much to consider. We are expected to know a lot about everything, or at least something. There is education, health, transportation, law and order, recreation, economics, budgets, requests, and grants. Everything we do affects those we serve—the young, the old, the middle aged—the sick, healthy, poor, wealthy, and the man in the middle. Give us strength, Lord, strength to search, and read, and question, and consider. But don't let us forget about our home and loved ones. They need us, Lord, and we need them, too.

"We need strength, Lord, strength beyond our own. They expect us to be honest, and good, and kind. You expect it, too. They look for us to live lives that are examples for others to follow—and You expect it, too. Let us seek strength through the lives of others that their good qualities may be an inspiration in our lives. We honor such a man tonight—Mr. Odell Sapp. With grateful hearts, Lord, we thank You for his life and service.

"We need strength beyond our own, Lord, because it isn't easy to be honest and good and kind. It helps to have known someone like Odell, but, Lord, that is not enough. Focus our eyes upon Your cross, where Your Son our Lord—the suffering servant died. Let us learn from Him that to be honest and good and kind means to be a servant. Give us strength beyond our own to do our job and do it well by being a servant here in this place. Don't let us forget about our home and loved ones. We need to be a servant there, too.

"Father, give us the strength of Your Son, Our Lord Jesus Christ, for it is in His name we pray. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants a leave of absence to Senator Hardison for tonight and to Senator Thomas of Henderson for tonight and tomorrow, April 14.

The President extends courtesies of the gallery to Mrs. Odell Sapp, widow of former Senator Sapp, and to his family and friends.

The President extends courtesies of the gallery to Mrs. James Womble Hoyle, widow of former Senator Hoyle, and to his family and friends.

The President recognizes the following pages serving in the Senate this week: Edwina Bostic, Goldsboro; Margaret Brown, Lumberton; Jennifer Brunt, Robbinsville; Lesley Burkhead, Raleigh; Carolina Cain, Bladenboro; Rosemary Cartret, Nakina; Camille Copeland, Fayetteville; Steven Fisher, Granite Quarry; Keith Dale Hartman, Walnut Cove; Diann Horne, Fayetteville; Larissa Beth Jones, Taylorsville; Tammy Diane Lee, Washington; Alice Marie Keith, Winston-Salem; Chloe Lynn, Raleigh; Greg Maready, Wallace; Anthony Allan Moore, Turkey; Deborah Neeley, Salisbury; Lyn O'Hare, Asheville; Mark Puryear, Fuquay-Varina; Sandra Rebecca Turner, Jackson; Ann-Tucker Storey, Raleigh; and Tamara Lynn Swaim, Clemmons.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Allsbrook for the **Judiciary I Committee**:

S. B. 138, a bill to make assault on emergency medical services personnel a felony, with a favorable report, as amended.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Duncan:

S. B. 433, a bill to provide lifetime licenses for hunting and fishing and to create and maintain a Wildlife Endowment Fund with the proceeds.

Referred to **Natural and Economic Resources and Wildlife Committee**.

By Senator Johnson:

S. B. 434, a bill to allow a mortgagee to purchase the mortgaged property at a foreclosure under power of sale.

Referred to **Judiciary II Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. J. R. 419, a joint resolution honoring the life and memory of James Womble Hoyle, former member of the General Assembly.

On motion of Senator Johnson, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered enrolled.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 485, a bill to remove the presumption that the husband is the supporting spouse for the purpose of alimony.

Referred to **Judiciary II Committee**.

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H. B. 548, a bill to prohibit a county board of elections from making a recount when the State board has denied a recount.

Referred to **Election Laws Committee**.

H. B. 550, a bill to change the distribution of profits of the High Point ABC Board.

Referred to **Alcoholic Beverage Control Committee**.

H. B. 559, a bill to require apartment owners in Mecklenburg, Forsyth and Catawba Counties to give tenant lists to the office of the tax supervisor on an annual basis.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 615, a bill to change the distribution of profits of the Tryon ABC Board.

Referred to **Alcoholic Beverage Control Committee**.

H. B. 616, a bill to establish the same deadline for one stop absentee voting and absentee voting by mail and to fix the beginning date for one stop voting.

Referred to **Election Laws Committee**.

H. B. 674, a bill to grant the Town of Bethel additional powers of assessment as to streets and sidewalks.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 681, a bill regarding beer sales in Ocean Isle Beach.

Referred to **Alcoholic Beverage Control Committee**.

H. B. 708, a bill to redefine the corporate limits of the Town of Bethel in Pitt County to annex a certain area.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 720, a bill regarding appointment of the Durham ABC Board.

Referred to **Alcoholic Beverage Control Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 208, a bill to provide for interest to run on Workers' Compensation awards.

On motion of Senator Rauch, Committee Amendments No. 1 and No. 2 are adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. J. R. 318, a joint resolution honoring the life of Odell Sapp, a former District Court Judge and State Senator.

The joint resolution passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger.

S. B. 330, a bill to repeal Part 3, Article 10 of Chapter 143B of the General Statutes which established the Labor Force Development Council.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 403, a bill to mandate the accrual of interest on money judgments awarded in actions other than contract from the filing of the claim.

On motion of Senator Swain, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

H. B. 244, a bill to establish uniform age ranges in compulsory school attendance requirements and to delete certain archaic language, in Statutes regarding the Governor Morehead School and the Schools for the Deaf, upon third reading.

The bill passes its third reading and is ordered enrolled.

H. B. 333, a bill to authorize the Division of Archives and History to preserve historically significant information in abandoned cemeteries that is in danger of loss, as recommended by the Abandoned Cemeteries Study Committee.

The bill passes its second and third readings and is ordered enrolled.

H. J. R. 450, a joint resolution urging the United States Congress to allow the states flexibility in the use of federal-aid highway funds.

The joint resolution passes its second and third readings and is ordered enrolled.

H. J. R. 678, a joint resolution condemning the traitorous and violent attack on the life of President Reagan and supporting the victims of this attack and their families in their ordeal.

The joint resolution passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 14, an act to provide that when a vacancy occurs in the office of Sheriff of Buncombe County, and Cabarrus, Iredell and Yadkin Counties, the appointing authority shall appoint the person recommended by the county executive committee of the party from which the officer was nominated.

S. B. 80, an act to vest authority in the Museum of Natural History for examination of reptiles.

S. J. R. 193, House Committee Substitute for **S. J. R. 193**, a joint resolution to establish the procedure for nominating and electing members of the Board of Governors of the University of North Carolina.

S. B. 212, an act to amend G. S. 136-28.1 to require all contracts over thirty thousand dollars for highway construction or repair to be let on bids.

S. B. 231, an act to allow Hertford County to establish precincts without regard to township boundaries.

S. B. 248, an act to provide that the General Assembly may provide in an act of incorporation that the governing board of the city may be ex officio the governing board of a pre-existing sanitary district, if the sanitary district approves.

S. B. 269, an act relating to zoning in the City of Rocky Mount.

H. B. 242, an act to make students in the Department of Human Resources institutions eligible for remediation funds for students who fail the competency test.

H. B. 277, an act to amend certain provisions of Chapter 62 of the General Statutes, the Public Utilities Act.

H. B. 411, an act to provide that the mayor and Board of Aldermen of the Town of Robbinsville be elected for four-year terms.

H. B. 428, an act to amend the 1973 Session Laws, Chapter 1283, to empower the Town of Matthews with the same zoning authority as granted Mecklenburg County and the City of Charlotte.

H. B. 429, an act to incorporate the Town of Kitty Hawk in Dare County.

H. B. 443, an act to provide that the sheriff issue Currituck County pistol permits.

H. B. 469, an act to exempt litter materials from the sales tax.

H. B. 474, an act to amend G. S. 130-275(a)(1) to clarify the grounds on which a penalty can be levied against a nursing home.

H. B. 478, an act to annex a described area to the Town of Columbus in Polk County.

H. B. 486, an act to revise and consolidate the Charter of the Town of Forest City and to repeal prior local acts.

H. B. 490, an act to allow the Town of Williamston to collect on motor vehicles a tax of not more than five dollars.

H. B. 501, an act adopting and enacting a new Charter for the City of Thomasville, North Carolina.

H. B. 511, an act to provide for an election in Hatteras Village on the question of creating and establishing the Hatteras Village Community Center District and for the levy and collection of an ad valorem tax for repair, maintenance and operation of a Community Center Building.

H. B. 539, an act to repeal a law authorizing a referendum on the merger of the Towns of Waynesville and Hazelwood.

H. B. 552, an act to provide an additional procedure by which the City may acquire property for public purposes by eminent domain.

On motion of Senator Lawing, seconded by Senator White, the Senate adjourns to meet tomorrow at 1:30 P.M.

SIXTY-FIFTH DAY

SENATE CHAMBER,
Tuesday, April 14, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"God our Father, we remember today the heroes and heroines of history who conquered through Your power even when the forces arrayed against them seemed overwhelming. Remind us that the same power is available to us whenever we struggle to

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accomplish Your will, to do justice, to rule righteously. We pray for Your protection and guidance in our public and our private lives, and ask that you will make us continually aware of Your loving concern and potent care. Awaken our faith, strengthen our resolve, enlighten our minds, and make us people who live to praise You in all that we do. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants a leave of absence to Senator White for tomorrow, April 15. A leave of absence granted previously to Senator Thomas of Henderson is noted.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Allsbrook for the **Judiciary I Committee**:

S. B. 387, a bill to provide attorney fees and costs to principals or teachers sued in corporal punishment cases, with a favorable report.

H. B. 410, Committee Substitute for **H. B. 410**, a bill to amend G. S. 90-113.3(c)(3) to permit contracting between the Department of Human Resources and any district attorney, with a favorable report.

By Senator Creech for the **Judiciary III Committee**:

S. B. 325, a bill to allow appeals by the State on important questions of law in criminal cases, with an unfavorable report.

S. B. 326, a bill to require that objections to jury instructions be made at the time of trial in order to preserve appellate review, with an unfavorable report.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 239, Committee Substitute for **H. B. 239**, a bill to clarify Rule 4(j) of the Rules of Civil Procedure.

Referred to **Courts and Judicial Districts and Criminal Justice Committee**.

H. B. 644, a bill to allow maximum workers' compensation to National Guardsmen.

Referred to **Veterans and Military Affairs Committee**.

H. B. 713, a bill pertaining to the regulation of fox harvesting in Wake County.

Referred to **Natural and Economic Resources and Wildlife Committee**.

H. J. R. 732, a joint resolution urging the United States Department of Agriculture to change the date on which it accepts bids for buying apples.

Referred to **Rules and Operation of the Senate Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

(Senator Lawing presides over a portion of today's Session.)

S. B. 138, a bill to make assault on emergency medical services personnel a felony.

On motion of Senator Kincaid, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 158, a bill to change the rate of interest in the Consumer Finance Act and to correct several references to the new legal usury rate and loan ceiling.

On motion of Senator Duncan, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 220, Committee Substitute for **S. B. 220**, a bill to waive the governmental immunity of local governments in tort and to require them to respond in damages up to one hundred thousand dollars, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 40, noes 7, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Barnes, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Palmer, Rauch, Raynor, Redman, Soles, Speed, Swain, Thomas of Craven, Vickery, Ward, Warren, White, Wright, and Wynne — 40.

Voting in the negative: Senators Ballenger, Boger, Johnson, Mills, Noble, Smith, and Walker — 7.

The Committee Substitute bill remains on the Calendar upon third reading.

S. B. 300, a bill to amend the Constitution of North Carolina to provide for four-year terms for members of the General Assembly and to make conforming changes to other Sections of the Constitution concerning elections for other officers and filling vacancies, upon second reading.

The bill passes its second reading by roll-call vote, ayes 37, noes 11, a three-fifths majority, as follows:

Voting in the affirmative: Senators Baker, Ballenger, Barnes, Boger, Clarke, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Jenkins, Jernigan, Johnson, Jordan, Lawing, Marion, Marvin, Mathis, McDuffie, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Swain, Thomas of Craven, Vickery, Ward, Warren, White, and Wynne — 37.

Voting in the negative: Senators Alford, Allred, Allsbrook, Cavanagh, Cockerham, Creech, Harris, Kincaid, Mills, Speed, and Wright — 11.

On objection of Senator Allsbrook to its third reading, the bill remains on the Calendar for further consideration.

S. B. 312, a bill to prohibit the possession, whether openly or concealed, of any weapon while on any State property, as amended, upon third reading.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 114, Committee Substitute for **S. B. 114**, an act to amend Chapter 106, Article 50 of the General Statutes, Promotion of Use and Sale of Agricultural Products, with regard to the research and promotion programs of the American Dairy Association of North Carolina.

S. J. R. 272, a joint resolution urging the United States Government to seek the return of missing and deceased persons in Southeast Asia.

S. J. R. 318, a joint resolution honoring the life of Odell Sapp, a former District Court Judge and State Senator.

H. B. 244, an act to establish uniform age ranges in compulsory school attendance requirements and to delete certain archaic language, in Statutes regarding the Governor Morehead School and the Schools for the Deaf.

H. B. 333, an act to authorize the Division of Archives and History to preserve historically significant information in abandoned cemeteries that is in danger of loss, as recommended by the Abandoned Cemeteries Study Committee.

H. J. R. 419, a joint resolution honoring the life and memory of James Womble Hoyle, former member of the General Assembly.

H. J. R. 450, a joint resolution urging the United States Congress to allow the states flexibility in the use of federal-aid highway funds.

H. J. R. 678, a joint resolution condemning the traitorous and violent attack on the life of President Reagan and supporting the victims of this attack and their families in their ordeal.

On motion of Senator Lawing, seconded by Senator Duncan, the Senate adjourns to meet tomorrow at 1:30 P.M.

SIXTY-SIXTH DAY

SENATE CHAMBER,
Wednesday, April 15, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Almighty God, who created the heavens and the earth, and filled them with beauty and good things for our use and enjoyment, enable us as creatures to fulfill Your expectations of us in creation. You gave us minds capable of imagining and building a ship to rise above the earth, expanding our knowledge and our horizons. Prevent us

now, in our celebration of that achievement, from taking such joy in the new and exciting that we forget to pay attention to problems near at hand. It is so tempting to lose ourselves in mountaintop experiences that exhilarate and challenge us. Remind us also of that which is familiar, and may therefore seem dull or routine. We thank You for human achievements that speak to us of the great possibilities with which You have endowed us as creatures. Now help us to use our skill, our intelligence, our energy, and our dedication in the pursuit of justice, equality, liberty and prosperity for all the people of Your world. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senators Garrison and McDuffie for today. A leave of absence granted previously to Senator White is noted.

RE-REFERRALS

H. B. 269, Committee Substitute for **H. B. 269**, a bill to prohibit the use of citation quotas by the State Highway Patrol.

Without objection the Chair directs that the Committee Substitute bill be taken from the **Law Enforcement Committee** and re-referred to the **State Government Committee**.

S. B. 414, a bill to amend the General Statutes relating to rural fire protection districts.

On motion of Senator Duncan the rules are suspended, and the bill is taken from the **Finance Committee** and re-referred to the **Judiciary II Committee**.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Swain for the **Courts and Judicial Districts and Criminal Justice Committee**:

S. B. 246, a bill to increase the fees for the use of the courtroom and related judicial facilities, with a favorable report.

On motion of Senator Swain, the bill is re-referred to the **Finance Committee**.

S. B. 394, a bill to provide an additional superior court judge for the Twenty-ninth Judicial District, with a favorable report.

On motion of Senator Swain, the bill is re-referred to the **Appropriations Committee**.

S. B. 418, a bill to provide that the magistrates' seniority salary steps take effect on the anniversary date of appointment, with a favorable report.

On motion of Senator Swain, the bill is re-referred to the **Appropriations Committee**.

S. B. 419, a bill to repeal Article 5 of the General Statutes Chapter 39 which requires persons wishing to sell certain types of building lots to first obtain a permit to do so from the Clerk of Superior Court, with a favorable report.

S. B. 420, a bill to amend G. S. 122-58.7 to require the district attorney to provide counsel for the State for involuntary commitment hearings held in the county of origin of the commitment proceedings, with a favorable report.

On motion of Senator Swain, the bill is re-referred to the **Appropriations Committee**.

S. B. 426, a bill to amend G. S. 7A-101 to raise the salary of the clerk of court in a county of less than 10,000 population to that of a clerk in the next highest population group, with a favorable report.

On motion of Senator Swain, the bill is re-referred to the **Appropriations Committee**.

By Senator Jernigan for Senator McDuffie for the **Election Laws Committee**:

S. B. 415, a bill to rewrite G. S. 163-112 to provide for the filling of vacancy due to death of a candidate occurring after the filing period closes and before the primary, with a favorable report.

H. B. 406, Committee Substitute for **H. B. 406**, a bill to change the form of petition to form a new party and to reduce the signature requirement, with a favorable report.

H. B. 520, a bill to clarify when candidates are declared nominated without a primary, with a favorable report.

H. B. 526, a bill to establish minimum compensation for supervisors of elections in modified full-time registration counties, with a favorable report.

H. B. 575, a bill to make void voter registration applications when certain provisions of G. S. 163-72 are not followed, with a favorable report.

By Senator Duncan for the **Finance Committee**:

H. B. 352, Committee Substitute for **H. B. 352**, a bill to allow rural fire protection districts to provide emergency medical, rescue, and ambulance service, with a favorable report.

H. B. 466, a bill to allow the Town of Farmville and the Town of Fountain to collect on motor vehicles a tax of not more than five dollars, with a favorable report.

H. B. 468, a bill to provide for a reduced rate of sales tax upon certain containers sold to farmers, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Duncan, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Duncan, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Ways and Means Committee**.

By Senator Allsbrook for the **Judiciary I Committee**:

S. B. 263, a bill to authorize deferred prosecution in certain cases, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Allsbrook, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Allsbrook, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, April 17.

By Senator Thomas of Craven for the **Natural and Economic Resources and Wildlife Committee**:

S. B. 407, a bill to transfer watershed approval authority for watershed workplans and the use of channelization to the Soil and Water Conservation Commission and to clarify Chapter 139 of the General Statutes, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Thomas of Craven, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Thomas of Craven, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, April 17.

S. B. 408, a bill to provide for soil and water conservation district supervisor recommendations to be made by the full board of supervisors, with a favorable report.

S. B. 433, a bill to provide lifetime licenses for hunting and fishing and to create and maintain a Wildlife Endowment Fund with the proceeds, with a favorable report.

On motion of Senator Thomas of Craven, the bill is re-referred to the **Finance Committee**.

H. B. 281, a bill to continue Chapter 113A, Article 4, the Sedimentation Pollution Control Act of 1973, with a favorable report.

On motion of Senator Thomas of Craven, the bill is re-referred to the **State Government Committee**.

H. B. 282, a bill to limit the term of office of members of the Sedimentation Control Commission, with a favorable report.

On motion of Senator Thomas of Craven, the bill is re-referred to the **State Government Committee**.

H. B. 495, a bill to provide that court-ordered license suspension actions for violators of wildlife laws will supersede administrative suspensions by the North Carolina Wildlife Resources Commission, with a favorable report.

On motion of Senator Thomas of Craven, the bill is re-referred to the **Judiciary II Committee**.

By Senator Harrington for the **Transportation Committee**:

S. B. 297, a bill to authorize the Department of Transportation to lease the right-of-way of Interstate Highway 40 to the City of Winston-Salem for a parking facility, with a favorable report.

S. B. 308, a bill to appropriate funds for the continuation of ferry service at present levels of service, with a favorable report.

On motion of Senator Harrington, the bill is re-referred to the **Appropriations Committee**.

H. B. 301, a bill to amend G. S. 20-64 concerning refunds for unexpired registration plates, with a favorable report.

H. B. 359, a bill to amend G. S. 20-81 relating to the registration of motor vehicles by diplomatic officials, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Boger and Smith:

S. B. 435, a bill to provide an additional deputy clerk of court in Davie County.
Referred to **Courts and Judicial Districts and Criminal Justice Committee**.

By Senator Barnes:

S. B. 436, a bill to require the sheriff to furnish a list of jailed prisoners to judges.
Referred to **Courts and Judicial Districts and Criminal Justice Committee**.

By Senator Barnes:

S. B. 437, a bill to require area mental health authorities to collect the fee charged for attending an alcohol and drug education traffic school.
Referred to **Finance Committee**.

By Senators Jernigan and Raynor:

S. B. 438, a bill regarding funds appropriated for a State office building in Fayetteville.
Referred to **Appropriations Committee**.

By Senators Frye, Creech, Hancock, Baker, Walker, Wynne, Gray, Cockerham, and Mathis:

S. B. 439, a bill to permit family care homes for handicapped people in all residential and other zoning districts.
Referred to **Judiciary III Committee**.

By Senator Vickery:

S. B. 440, a bill to extend the time for adjournment of a board of equalization and review.
Referred to **Finance Committee**.

By Senator Vickery:

S. B. 441, a bill to allow taxpayers to know whether the octennial reappraisal will raise or lower their property taxes.
Referred to **Finance Committee**.

By Senators Palmer, Mathis, Thomas of Henderson, Jenkins, Lawing, Clarke, Speed, Daniels, Frye, Barnes, Walker, Wynne, Jernigan, Raynor, Garrison, Creech, Alford, Warren, Ward, Hardison, Rauch, Gray, Smith, Duncan, Allsbrook, White, Jordan, Harris, Boger, Thomas of Craven, Hancock, Swain, Marvin, Mills, and Johnson:

S. B. 442, a bill to appropriate funds to the Department of Cultural Resources for arts programs and community arts development.
Referred to **Appropriations Committee**.

By Senators Walker, Marvin, Harris, Jernigan, Rauch, Creech, Vickery, Barnes, Hancock, Palmer, Ward, Clarke, Noble, Gray, McDuffie, Wynne, Thomas of Craven,

Cockerham, Hardison, Royall, Harrington, Smith, Jenkins, Raynor, Redman, Frye, Mathis, Johnson, Ballenger, Marion, Swain, Warren, Lawing, and Allsbrook:

S. B. 443, a bill to provide for the management of hazardous and low-level radioactive waste in North Carolina.

Referred to **Human Resources Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 73, Committee Substitute for **H. B. 73**, a bill to amend G. S. 50-13.4 to make the father and the mother primarily liable for support.

Referred to **Judiciary II Committee**.

H. B. 165, Committee Substitute for **H. B. 165**, a bill concerning Department of Social Services investigations of abuse and neglect.

Referred to **Judiciary II Committee**.

H. B. 331, a bill to amend certain sections of Chapter 53 and other chapters of the General Statutes relating to banks and the Commissioner of Banks.

Referred to **Banking Committee**.

H. B. 371, Committee Substitute for **H. B. 371**, a bill to allow an additional State personal income tax exemption for persons aged 70 and over.

Referred to **Senior Citizens Affairs Committee**.

H. B. 649, a bill to extinguish ancient subsurface oil, gas or mineral interests in land in Alleghany County.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 718, Committee Substitute for **H. B. 718**, a bill to permit fox trapping under certain conditions in certain counties.

Referred to **Natural and Economic Resources and Wildlife Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 120, a bill regarding Statutes of Limitation, as amended, upon third reading.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives.

S. B. 220. Committee Substitute for **S. B. 220**, a bill to waive the governmental immunity of local governments in tort and to require them to respond in damages up to one hundred thousand dollars, upon third reading.

Senator Allsbrook moves that the vote by which the Committee Substitute bill passed its second reading be reconsidered, which motion prevails.

On motion of Senator Royall, the Committee Substitute bill is re-referred to the **Judiciary I Committee**.

S. B. 300, a bill to amend the Constitution of North Carolina to provide for four-year terms for members of the General Assembly and to make conforming changes to other

Sections of the Constitution concerning elections for other officers and filling vacancies, upon third reading.

Senator Barnes calls the previous question, seconded by Senator Hardison. The call is sustained.

The bill passes its third reading by roll-call vote, ayes 35, noes 12, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Boger, Clarke, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Lawing, Marion, Marvin, Mathis, Noble, Palmer, Rauch, Raynor, Royall, Soles, Smith, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, and Wynne — 35.

Voting in the negative: Senators Alford, Allred, Allsbrook, Baker, Cavanagh, Cockerham, Creech, Kincaid, Mills, Redman, Speed, and Wright — 12.

Having received a three-fifths majority affirmative vote, the bill is ordered sent to the House of Representatives.

S. B. 310, a bill to prohibit counties or cities from collecting inspection fees after a vehicle providing electrical power for amusement devices has been inspected by the Department of Labor.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 387, a bill to provide attorney fees and costs to principals or teachers sued in corporal punishment cases.

Senator Soles offers Amendment No. 1 which fails of adoption. Senator Soles offers Amendment No. 2 which fails of adoption.

The bill passes its second reading.

On objection of Senator Frye to its third reading, the bill remains on the Calendar for further consideration.

H. B. 410, Committee Substitute for **H. B. 410**, a bill to amend G. S. 90-113.3(c)(3) to permit contracting between the Department of Human Resources and any district attorney.

The Committee Substitute bill passes its second reading.

On objection of Senator Swain to its third reading, the Committee Substitute bill remains on the Calendar for further consideration.

On motion of Senator Lawing, seconded by Senator Palmer, the Senate adjourns to meet tomorrow at 1:30 P.M.

SIXTY-SEVENTH DAY

SENATE CHAMBER,
Thursday, April 16, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Almighty God; Your servants have always found that speaking the truth often brings suffering and abuse from those whose deeds are evil. Give us courage to stand for what

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is right, and to be willing to suffer for the sake of the truth. Do not let us be overcome by fear; or burdened by the need for approval from others. Rather, lift us into that grace that casts out fear, and demands no approval but a healthy conscience. Help us to make intelligent and honest choices; and to have the courage to stand fast when we are doing the will of Your spirit who teaches, encourages and quickens us in Your service. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

RE-REFERRAL

S. B. 319, a bill to abolish Regional Education Centers.

On motion of Senator Redman, the rules are suspended and the bill is taken from the **Education Committee** and re-referred to the **Ways and Means Committee**.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator White for the **Agriculture Committee**:

S. B. 350, a bill to accommodate federal preemption of State laws regulating the feeding of garbage to swine, with a favorable report.

On motion of Senator White, the bill is placed on the Calendar for Tuesday, April 21.

S. B. 370, a bill to amend the North Carolina Fertilizer Law, Chapter 106, Article 56 of the General Statutes, with a favorable report, as amended.

On motion of Senator White, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted. The bill, as amended, is ordered engrossed and re-referred to **Finance Committee**.

By Senator Mills for the **Banking Committee**:

H. B. 51, a bill to permit the board of directors of a business development corporation to negotiate the rate of interest payable on loans by members, with a favorable report.

On motion of Senator Mills, the bill is placed on the Calendar for Tuesday, April 21.

H. B. 145, Committee Substitute for **H. B. 145**, a bill to repeal Subchapter I of Chapter 54 of the General Statutes, relating to building and loan associations, building associations and savings and loan associations; and to repeal Chapter 54A of the General Statutes, relating to stock-owned savings and loan associations; and to enact a new Chapter 54B of the General Statutes to be entitled, "Savings and Loan Associations", with a favorable report, as amended.

On motion of Senator Mills, the Committee Substitute bill is placed on the Calendar for Tuesday, April 21.

By Senator Allsbrook for the **Judiciary I Committee**:

S. B. 301, a bill to establish a special conditional probation for persons convicted of

making bomb threat calls, with a favorable report.

On motion of Senator Allsbrook, the bill is placed on the Calendar for Tuesday, April 21.

By Senator Soles for the **Judiciary II Committee**:

S. B. 296, a bill to create the crime of impersonation of firemen and emergency medical services personnel, with a favorable report, as amended.

On motion of Senator Soles, the bill, as amended, is placed on the Calendar for Tuesday, April 21.

S. B. 434, a bill to allow a mortgagee to purchase the mortgaged property at a foreclosure under power of sale, with a favorable report.

On motion of Senator Soles, the bill is placed on the Calendar for Tuesday, April 21.

H. B. 330, a bill relating to prima facie rules of evidence for enforcement of parking regulations in Mecklenburg County, with a favorable report.

On motion of Senator Soles, the bill is placed on the Calendar for Tuesday, April 21.

By Senator Marion for the **Local Government and Regional Affairs Committee**:

S. B. 341, a bill to require the Guilford County Register of Deeds to disclose his and his spouse's real property interests and assets, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Marion, the rules are suspended and the Committee Substitute bill, which changes the title to read **S. B. 341**, Committee Substitute for **S. B. 341**, a bill to require disclosure of real property interests and assets by the Guilford County register of deeds and spouse, is placed before the Senate for immediate consideration.

On motion of Senator Marion, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, April 21.

S. B. 346, a bill to amend the Charter of the City of Wilmington regarding the Civil Service Commission, with a favorable report, as amended.

On motion of Senator Marion, the bill is placed on the Calendar for Tuesday, April 21.

S. B. 369, a bill to provide a fixed pay date for public school employees of the Kings Mountain School Administrative Unit, with a favorable report, as amended.

On motion of Senator Marion, the bill is placed on the Calendar for Tuesday, April 21.

S. B. 389, a bill to allow Stanly County to establish voting precincts without regard to township boundaries, with a favorable report.

On motion of Senator Marion, the bill is placed on the Calendar for Tuesday, April 21.

S. B. 390, a bill authorizing and empowering the City of Albemarle to levy assessments for public improvements and validating assessments for improvements heretofore made, with a favorable report.

On motion of Senator Marion, the bill is placed on the Calendar for Tuesday, April 21.

H. B. 425, a bill to modify the powers and duties of Cabarrus Memorial Hospital, with a favorable report.

On motion of Senator Marion, the bill is placed on the Calendar for Tuesday, April 21.

H. B. 489, a bill to allow Mecklenburg County to appropriate funds other than ad valorem tax funds for certain programs, with a favorable report.

On motion of Senator Marion, the bill is placed on the Calendar for Tuesday, April 21.

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H. B. 536, a bill to require consent of the Board of County Commissioners before land in Brunswick or Pender County may be condemned or acquired by a unit of local government outside the County, with a favorable report.

On motion of Senator Marion, the bill is placed on the Calendar for Tuesday, April 21.

H. B. 541, a bill to allow Bertie and Martin Counties to operate a regional jail, with a favorable report, as amended.

On motion of Senator Marion, the bill is placed on the Calendar for Tuesday, April 21.

H. B. 578, a bill to raise the ceiling on the dollar amount of claims against the City of Lumberton for which the City Manager may settle, with a favorable report.

On motion of Senator Marion, the bill is placed on the Calendar for Tuesday, April 21.

H. B. 589, a bill to provide authority to Mecklenburg County, the City of Charlotte, and the Charlotte-Mecklenburg Board of Education to support noncommercial television or radio stations, with a favorable report.

On motion of Senator Marion, the bill is placed on the Calendar for Tuesday, April 21.

H. B. 593, a bill to regulate the disposal of hazardous wastes and radioactive material in Anson County, with a favorable report, as amended.

On motion of Senator Marion, the bill is placed on the Calendar for Tuesday, April 21.

H. B. 596, a bill to allow Sampson County to convey at private sale the Newton Grove Medical Center and the Four County Medical Center to Rural Medical Services, Inc., with a favorable report.

On motion of Senator Marion, the bill is placed on the Calendar for Tuesday, April 21.

H. B. 613, a bill to provide that members of the Charlotte-Mecklenburg Board of Education shall receive the same mileage allowance as State officers and employees, with a favorable report.

On motion of Senator Marion, the bill is placed on the Calendar for Tuesday, April 21.

H. B. 673, a bill to expand the Hyde County Board of Commissioners from three to five members, with a favorable report.

On motion of Senator Marion, the bill is placed on the Calendar for Tuesday, April 21.

H. B. 701, a bill to allow the Union County Board of Education to pay its ten-month employees on or before the fifteenth day of each month, with a favorable report.

On motion of Senator Marion, the bill is placed on the Calendar for Tuesday, April 21.

By Senator Jernigan for the **Manufacturing, Labor and Commerce Committee**:

S. B. 331, a bill to provide that the chairman of the Employment Security Commission serve at the pleasure of the Governor, with a favorable report.

On motion of Senator Jernigan, the bill is placed on the Calendar for Tuesday, April 21.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

Senator Clarke moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Clarke and Noble:

S. B. 444, a bill to increase the voting membership of the Governor's Crime Commission.

Referred to **Law Enforcement and Crime Control Committee**.

Senator Harris moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Harris, Marvin, and Rauch:

S. B. 445, a bill to assign all registered voters residing in the Oak Grove community of Cleveland County to Bethware Precinct for the purpose of voting.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Creech:

S. B. 446, a bill to provide a witness assistance program in all districts of the State to increase the convenience of court appearance by crime victims and other witnesses, to facilitate restitution payment, and to otherwise serve the needs of the State's witnesses.

Referred to **Courts and Judicial Districts and Criminal Justice Committee**.

By Senator Cavanagh:

S. B. 447, a bill to eliminate the classification of special insurance agent and to restrict limited licenses.

Referred to **Insurance Committee**.

By Senator Raynor:

S. B. 448, a bill to allow the North Carolina State Highway Patrol and the North Carolina Department of Correction to sell, trade or otherwise dispose of guns and to retain the proceeds or property obtained by such disposal.

Referred to **Law Enforcement and Crime Control Committee**.

By Senators Clarke, Mathis, Marion, Thomas of Henderson, Noble, Lawing, Vickery, Soles, Raynor, Daniels, Harrington, Alford, Speed, Jenkins, Palmer, Harris, Rauch, Swain, Thomas of Craven, Barnes, Gray, Jordan, Marvin, Walker, and Duncan:

S. B. 449, a bill to establish minimum standards for Medicare supplement insurance.

Referred to **Insurance Committee**.

By Senators Kincaid, Wright, Baker, Ballenger, Cockerham, and Smith:

S. B. 450, a bill to amend the North Carolina Constitution to limit the number of days the General Assembly may remain in session each year.

Referred to **Constitutional Amendments Committee**.

By Senators Harris, Swain, Allsbrook, Warren, Allred, Ballenger, Kincaid, and Cavanagh:

S. B. 451, a bill concerning pre-abortion requirements.

Referred to **Judiciary I Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 9, Committee Substitute for **H. B. 9**, a bill to rewrite the Alcoholic Beverage Control Laws.

Referred to **Alcoholic Beverage Control Committee**.

H. B. 517, a bill to permit wildlife protectors to issue warning tickets for game, fish, and boat law violations.

Referred to **Natural and Economic Resources and Wildlife Committee**.

H. B. 597, a bill to authorize Raleigh police officers to purchase revolvers carried by them.

Referred to **Law Enforcement and Crime Control Committee**.

H. B. 608, a bill to allow the Pembroke State University campus police to assist the Robeson Sheriff and the Pembroke town police.

Referred to **Law Enforcement and Crime Control Committee**.

H. B. 711, a bill to permit the City of Greenville to lease to the Pitt-Greenville Chamber of Commerce, Inc., certain real property located on the corner of Greene and Third Streets in Greenville.

Referred to **Local Government and Regional Affairs Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 297, a bill to authorize the Department of Transportation to lease the right-of-way of Interstate Highway 40 to the City of Winston-Salem for a parking facility.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 387, a bill to provide attorney fees and costs to principals or teachers sued in corporal punishment cases, upon third reading.

Senator Johnson offers Amendment No. 3 which is adopted.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives.

S. B. 408, a bill to provide for soil and water conservation district supervisor recommendations to be made by the full board of supervisors.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 415, a bill to rewrite G. S. 163-112 to provide for the filling of vacancy due to death of a candidate occurring after the filing period closes and before the primary.

On motion of Senator McDuffie, consideration of the bill is postponed until Wednesday, April 22.

S. B. 419, a bill to repeal Article 5 of General Statutes Chapter 39 which requires persons wishing to sell certain types of building lots to first obtain a permit to do so from

the Clerk of Superior Court.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H. B. 301, a bill to amend G. S. 20-64 concerning refunds for unexpired registration plates, upon second reading.

The bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Thomas of Craven, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 47.

The bill remains on the Calendar upon third reading.

H. B. 352, Committee Substitute for **H. B. 352**, a bill to allow rural fire protection districts to provide emergency medical, rescue, and ambulance service, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 48.

The Committee Substitute bill is ordered enrolled.

H. B. 359, a bill to amend G. S. 20-81 relating to the registration of motor vehicles by diplomatic officials.

Senator Redman offers Amendment No. 1 which is adopted.

The bill, as amended, passes its second and third readings.

Senator Rauch moves that the vote by which the bill, as amended, passes its third reading be reconsidered, which motion prevails.

Senator Rauch offers Amendment No. 2 which is adopted.

The bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

H. B. 406, Committee Substitute for **H. B. 406**, a bill to change the form of petition to form a new party and to reduce the signature requirement.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 410, Committee Substitute for **H. B. 410**, a bill to amend G. S. 90-113.3(c)(3) to permit contracting between the Department of Human Resources and any district attorney, upon third reading.

The Committee Substitute bill passes its third reading and is ordered enrolled.

H. B. 466, a bill to allow the Town of Farmville and the Town of Fountain to collect on motor vehicles a tax of not more than five dollars, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 3, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison,

Gray, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Smith, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, White, Wright, and Wynne — 42.

Voting in the negative: Senators Hancock, Royall, and Warren — 3.

The bill remains on the Calendar upon third reading.

H. B. 520, a bill to clarify when candidates are declared nominated without a primary. The bill passes its second and third readings and is ordered enrolled.

H. B. 526, a bill to establish minimum compensation for supervisors of elections in modified full-time registration counties.

The bill passes its second and third readings and is ordered enrolled.

H. B. 575, a bill to make void voter registration applications when certain provisions of G. S. 163-72 are not followed.

The bill passes its second and third readings and is ordered enrolled.

Senator Royall moves that the Joint Public Hearing of the **Education Committees** to Review the Public School Expansion Budget set for Tuesday, April 21 at 10:00 A.M., be canceled. The motion prevails. The Chair declares the Senate will not participate.

On motion of Senator Lawing, seconded by Senator Jernigan, the Senate adjourns to meet tomorrow at 10:45 A.M.

SIXTY-EIGHTH DAY

SENATE CHAMBER,

Friday, April 17, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"God Our Father, as we leave this place of work and service to return to our homes this weekend, we will be celebrating Your gracious acts of redemption in Passover and Easter. As we rehearse these great themes of our faith, we pray that You will teach us how to redeem the political process of which we are a part. Help us to seek Your will in all our doings, and lead us from bondage of self-interest into the promised land of mutual esteem and concern. Remind us that we, too, are a pilgrim people, never satisfied with sitting still, but always looking toward the future where we see Your kingdom that beckons us to live out its promises of love for neighbor, everlasting peace, and prosperity for all Your children. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senator Gray, who is attending a workshop on Public Housing and Services for the Aging in Durham, and to Senators Cavanagh, Marion, McDuffie, and Wright for today and to Senator Redman for Tuesday, April 21.

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On motion of Senator Lawing, seconded by Senator Harrington, the Senate recesses to repair to the Hall of the House of Representatives to join in a religious service, and on his further motion, upon conclusion of the service, to return to the Senate Chamber for consideration of business.

The Senate resumes consideration of its regular business.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harris for the **Human Resources Committee**:

S. B. 89, House Committee Substitute for **S. B. 89**, a bill to allow staggered terms for district boards of health, with a favorable report for concurrence.

On motion of Senator Harris, the House Committee Substitute for the Senate bill is placed on the Calendar for Tuesday, April 21.

S. B. 291, a bill to amend Article 26 of Chapter 130 of the General Statutes relating to ambulance service, with a favorable report, as amended.

On motion of Senator Harris, the bill is placed on the Calendar for Tuesday, April 21.

S. B. 366, a bill to empower district boards of health to provide liability insurance for its employees and to contract for legal services, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Harris, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Harris, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, April 21.

S. B. 367, a bill to rewrite the definition section of G. S. Chapter 130, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Harris, the rules are suspended and the Committee Substitute bill which changes the title to read **S. B. 367**, Committee Substitute for **S. B. 367**, a bill to rewrite the definition section of G. S. Chapter 130 relating to health services, is placed before the Senate for immediate consideration.

On motion of Senator Harris, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, April 21.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Barnes:

S. B. 452, a bill to amend certain portions of the General Statutes concerning historic districts and historic properties commissions.

Referred to **State Government Committee**.

By Senator Barnes:

S. B. 453, a bill to allow sale of historic properties by cities and counties.
Referred to **State Government Committee**.

By Senator Barnes:

S. B. 454, a bill to enable cities, towns and counties to establish conservation districts.
Referred to **State Government Committee**.

By Senator Daniels:

S. B. 455, a bill to amend certain provisions of Chapter 62 of the General Statutes, the Public Utilities Act.
Referred to **Public Utilities and Energy Committee**.

By Senator Daniels:

S. B. 456, a bill to amend Section 134(e) of Chapter 62 of the General Statutes pertaining to fuel clause hearings for electric utilities.
Referred to **Public Utilities and Energy Committee**.

By Senator Walker:

S. B. 457, a bill to appropriate funds to the Department of Cultural Resources to help expand North Carolina's statewide revolving fund for historic preservation.
Referred to **Appropriations Committee**.

By Senator Warren:

S. B. 458, a bill to allow Department of Correction employees and members of the Parole Commission to participate in political activities to the same extent as other State employees and members of other commissions.
Referred to **State Government Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. J. R. 811, a joint resolution recognizing May first as Law Day.

On motion of Senator Hancock, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered enrolled.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 605, a bill to authorize the County of Wake to regulate the parking of motor vehicles in properly designated fire lanes on either public or private property.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 617, a bill to amend the Charter of the City of Wilmington clarifying the method of describing corporate boundaries.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 620, a bill to amend the City of Wilmington Charter concerning zoning.
Referred to **Local Government and Regional Affairs Committee**.

H. B. 648, a bill to require consent of the Columbus County Board of Commissioners before land in that County may be condemned or acquired by a unit of local government outside the County.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 706, a bill to provide a new Charter for the City of Greenville, North Carolina.
Referred to **Local Government and Regional Affairs Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 263, Committee Substitute for **S. B. 263**, a bill to authorize deferred prosecution in certain cases.

The Committee Substitute bill passes its second reading.

On objection of Senator Swain to its third reading, the Committee Substitute bill remains on the Calendar for Tuesday, April 21.

S. B. 407, Committee Substitute for **S. B. 407**, a bill to transfer watershed approval authority for watershed workplans and the use of channelization to the Soil and Water Conservation Commission and to clarify Chapter 139 of the General Statutes, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Hancock, Hardison, Harris, Jenkins, Jernigan, Johnson, Jordan, Lawing, Marvin, Mathis, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wynne — 43.

The Committee Substitute bill remains on the Calendar for Tuesday, April 21, upon third reading.

H. B. 301, a bill to amend G. S. 20-64 concerning refunds for unexpired registration plates, upon third reading.

The bill passes its third reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Hancock, Harris, Jenkins, Jernigan, Johnson, Jordan, Lawing, Marvin, Mathis, Mills, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, White, and Wynne — 40.

The bill is ordered enrolled.

H. B. 466, a bill to allow the Town of Farmville and the Town of Fountain to collect on motor vehicles a tax of not more than five dollars, upon third reading.

The bill passes its third reading by roll-call vote, ayes 37, noes 1, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Harris,

Jenkins, Jernigan, Johnson, Lawing, Marvin, Mathis, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, and Wynne — 37.

Voting in the negative: Senator Hancock — 1.

The bill is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 344, an act to amend the City of Wilmington Charter regarding revisions or amendments to ordinances and resolutions.

H. B. 352, Committee Substitute for **H. B. 352**, an act to allow rural fire protection districts to provide emergency medical, rescue, and ambulance service.

H. B. 406, Committee Substitute for **H. B. 406**, an act to change the form of petition to form a new party and to reduce the signature requirement.

H. B. 410, Committee Substitute for **H. B. 410**, an act to amend G. S. 90-113.3(c)(3) to permit contracting between the Department of Human Resources and any district attorney.

H. B. 520, an act to clarify when candidates are declared nominated without a primary.

H. B. 526, an act to establish minimum compensation for supervisors of elections in modified full-time registration counties.

H. B. 575, an act to make void voter registration applications when certain provisions of G. S. 163-72 are not followed.

On motion of Senator Royall, seconded by Senator Hancock, the Senate adjourns to meet Tuesday, April 21, at 1:30 P.M.

SIXTY-NINTH DAY

SENATE CHAMBER,
Tuesday, April 21, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Robert J. Kopley, Pastor of St. Philip Lutheran Church, Raleigh, as follows:

"Almighty God; we offer this prayer on behalf of the Senate of North Carolina. You have given us this good land as our heritage. Make us always remember Your generosity, and be good stewards of it.

"The beauty of this day is not a strong inducement to sitting in sessions, committees, and hearings; attacking mountains of legislation, and lobbying incessantly with one another.

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"Lord, us use such moments, when minds may wander, not for a slackening from our task, but as a time to remember who we are, and what we are really here for—to see beyond the matter of the moment to the welfare, interests and equity of all whom we serve. May our moments of daydreaming quicken us to new insights and new resolve in dealing with the tasks before us.

"May those whom we serve understand their part in what we undertake, that they may become more responsible in their citizenship, and patient in their dealings with us.

"Help us to accept being away from home and family and vocation as necessary to provide for the good of this State and its people.

"Bless all that we undertake this day.

"We pray in the Name of Our Risen Lord, Jesus the Christ. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senators Allsbrook, Jenkins, and Marion for today and to Senators Harris, Wright, and McDuffie for tomorrow, to attend a briefing on the Economic Recovery Program in the White House at the invitation of President Reagan. A leave of absence granted previously to Senator Redman is noted.

The President recognizes the following pages serving in the Senate this week: Dorothy D. Ballenger, Hickory; Kimberly Annette Boyette, Louisburg; Sheila Carr, Clinton; Meg Freeman, Reidsville; Margaret Elizabeth Holt, Reidsville; Judson Lee Joyner, Bethel; Marguerite Tucker Joyner, Raleigh; Keith Loflin, Denton; Norma McDuffie, Raleigh; Lisa Martin, Rich Square; Jim Matson, Eden; Deborah Elaine Pickett, Durham; Angela Renee Pierce, Fayetteville; Preston Clayton Rawls, Jr., Swansboro; Zaneta Roseboro, Durham; Lynn Shoemaker, Knightdale; Greg Sloan, Raleigh; DeAnne Smith, Conway; and Maureen Whalen, Durham.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Mathis for the **Insurance Committee**:

S. B. 422, a bill to make technical amendments to the Life and Accident and Health Insurance Guaranty Act, with a favorable report.

S. B. 423, a bill to provide a limit on liability under the North Carolina Life and Accident and Health Insurance Guaranty Association Act, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Harris:

S. B. 459, a bill to change the procedure for forwarding birth and death certificates to registers of deeds.

Referred to **Human Resources Committee**.

By Senator Allsbrook:

S. B. 460, a bill to prohibit automobile insurers from surcharging policies for accidents wherein the insured is free of negligence.

Referred to **Insurance Committee**.

By Senator Wynne:

S. B. 461, a bill to appropriate funds to expand the programs of the North Carolina State Museum.

Referred to **Appropriations Committee**.

By Senator Raynor:

S. B. 462, a bill to provide minimally effective law enforcement throughout the State.

Referred to **Law Enforcement and Crime Control Committee**.

By Senators Allsbrook, Swain, Soles, and Jenkins:

S. B. 463, a bill to allow judges discretion in certain cases when a driver's license has been revoked for a refusal to submit to a chemical test.

Referred to **Judiciary I Committee**.

By Senators Allsbrook, White, Alford, and Speed:

S. B. 464, a bill to appropriate funds for a new roof and repairs to the Lakeland Arts Center.

Referred to **Appropriations Committee**.

By Senators Lawing and Royall:

S. R. 465, a Senate resolution welcoming to North Carolina the "Buy American" trade mission from the Republic of China on Taiwan.

On motion of Senator Royall, the rules are suspended and the resolution is placed before the Senate for immediate consideration.

On motion of Senator Royall, the Senate Resolution is adopted. (The text of this resolution appears in the Appendix.)

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 257, a bill to incorporate the Town of Beech Mountain, and to authorize its governing board to serve ex officio as the governing board of the Beech Mountain Sanitary District, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow, April 22.

H. B. 218, Committee Substitute for **H. B. 218**, a bill to regulate the practice of nursing.

Referred to **State Government Committee**.

H. B. 280, Committee Substitute No. 2 for **H. B. 280**, a bill to amend Chapter 86A of the General Statutes pertaining to barbers.

Referred to **State Government Committee**.

H. B. 292, Committee Substitute No. 2 for **H. B. 292**, a bill to amend Chapter 90, Article 6 of the General Statutes relating to optometry.

Referred to **State Government Committee**.

H. B. 375, Committee Substitute for **H. B. 375**, a bill to amend the Charter of the City of Winston-Salem, relating to Uptown Development Projects.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 420, Committee Substitute for **H. B. 420**, a bill to permit a nonadversarial spouse to accept service of process for the other.

Referred to **Judiciary II Committee**.

H. B. 451, a bill to repeal the requirement of G. S. 147-59 that state warrants be presented for payment within sixty days.

Referred to **State Government Committee**.

H. B. 582, a bill to confirm the corporate limits and ratify actions of the City of Bakersville in Mitchell County.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 606, a bill authorizing the Town of Garner to receive and accept funds provided by a developer to the Town for acquisition of recreational land and validating prior acceptance by the Town of funds provided by developers in lieu of dedication of land for park, recreation, or open space sites.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 633, a bill to amend the Charter of the City of Wilmington regarding water supply and sewage disposal and local improvements.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 635, a bill to amend the Charter of the City of Wilmington to permit payments in lieu of dedication of land or actual construction of required improvements in the approval of subdivisions.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 658, a bill to amend the Charter of the Town of Kill Devil Hills to provide for four-year staggered terms for the mayor and board of commissioners, and to provide for the council-manager form of government.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 659, a bill to provide statewide workers' compensation for deputy sheriffs.

Referred to **Manufacturing, Labor and Commerce Committee**.

H. B. 682, a bill to allow the Town of Holden Beach to hold certain street assessments in abeyance.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 686, a bill authorizing the Town of Ocean Isle Beach to assess for navigation projects, including dredging and bulkheading of canals.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 651, a bill to allow cities and towns in Dare County to make street improvements and assess without petition.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 716, a bill to revise and consolidate the Charter of the Town of Jamestown and to repeal prior local acts.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 727, a bill to make revisions in the Charter of the Town of Edenton.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 728, a bill to amend the Charter of the City of Washington to allow historic district, historic properties and building inspections jurisdiction between one and one and one-half miles from the City limits.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 805, a bill to repeal certain articles of Chapter 106 dealing with agriculture, which have been superceded by other laws.

Referred to **Agriculture Committee**.

H. B. 827, a bill to remove the restriction on political activity by Department of Correction employees.

Referred to **Election Laws Committee**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 89, House Committee Substitute for **S. B. 89**, a bill to allow staggered terms for district boards of health, for concurrence in the House Committee Substitute bill.

On motion of Senator Harris, the Senate concurs in the House Committee Substitute bill for the Senate bill and the bill is ordered enrolled.

S. B. 263, Committee Substitute for **S. B. 263**, a bill to authorize deferred prosecution in certain cases, upon third reading.

On motion of Senator Kincaid, consideration of the Committee Substitute bill is postponed until Thursday, April 23.

S. B. 291, a bill to amend Article 26 of Chapter 130 of the General Statutes relating to ambulance service.

On motion of Senator Harris, Committee Amendments No. 1 and No. 2 are adopted.

The bill, as amended, passes its second reading.

On motion of Senator Swain the bill, as amended, remains on the Calendar for Thursday, April 23, for further consideration.

S. B. 296, a bill to create the crime of impersonation of firemen and emergency medical services personnel.

On motion of Senator Hancock, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

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S. B. 301, a bill to establish a special conditional probation for persons convicted of making bomb threat calls, with pending Committee Amendment No. 1.

On motion of Senator Warren, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading.

On objection of Senator Barnes to its third reading, the bill, as amended, remains on the Calendar for further consideration.

S. B. 331, a bill to provide that the chairman of the Employment Security Commission serve at the pleasure of the Governor.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 341, Committee Substitute for **S. B. 341**, a bill to require disclosure of real property interests and assets by the Guilford County register of deeds and spouse.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 346, a bill to amend the Charter of the City of Wilmington regarding the Civil Service Commission.

On motion of Senator Wright, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 350, a bill to accommodate federal preemption of State laws regulating the feeding of garbage to swine.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 366, Committee Substitute for **S. B. 366**, a bill to empower district boards of health to provide liability insurance for its employees and to contract for legal services.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 367, Committee Substitute for **S. B. 367**, a bill to rewrite the definition section of G. S. Chapter 130 relating to health services.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 369, a bill to provide a fixed pay date for public school employees of the Kings Mountain School Administrative Unit.

On motion of Senator Harris, Committee Amendment No. 1 is adopted, changing the title to read **S. B. 369**, a bill to provide a fixed pay date for public school employees of the Kings Mountain, Shelby and Cleveland County School Administrative Units.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 389, a bill to allow Stanly County to establish voting precincts without regard to township boundaries.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 390, a bill authorizing and empowering the City of Albemarle to levy assessments for public improvements and validating assessments for improvements heretofore made, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marvin, Mathis, Mills, Noble, Palmer, Rauch, Raynor, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, and Wright — 42.

The bill remains on the Calendar upon third reading.

S. B. 407, Committee Substitute for **S. B. 407**, a bill to transfer watershed approval authority for watershed workplans and the use of channelization to the Soil and Water Conservation Commission and to clarify Chapter 139 of the General Statutes, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, and Wright — 43.

The Committee Substitute bill is ordered sent to the House of Representatives.

S. B. 434, a bill to allow a mortgagee to purchase the mortgaged property at a foreclosure under power of sale.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H. B. 51, a bill to permit the board of directors of a business development corporation to negotiate the rate of interest payable on loans by members.

The bill passes its second and third readings and is ordered enrolled.

H. B. 145, Committee Substitute for **H. B. 145**, a bill to repeal Subchapter I of Chapter 54 of the General Statutes, relating to building and loan associations, building associations and savings and loan associations; and to repeal Chapter 54A of the General Statutes, relating to stock-owned savings and loan associations; and to enact a new Chapter 54B of the General Statutes to be entitled, "Savings and Loan Associations," upon second reading.

On motion of Senator Mills, consideration of the Committee Substitute bill is postponed until Thursday, April 23.

H. B. 330, a bill relating to prima facie rules of evidence for enforcement of parking regulations in Mecklenburg County, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marvin, Mathis, Mills, Noble, Palmer, Rauch, Raynor, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, and Wright — 42.

The bill remains on the Calendar upon third reading.

H. B. 425, a bill to modify the powers and duties of Cabarrus Memorial Hospital.

The bill passes its second and third reading and is ordered enrolled.

H. B. 489, a bill to allow Mecklenburg County to appropriate funds other than ad valorem tax funds for certain programs.

The bill passes its second and third readings and is ordered enrolled.

H. B. 536, a bill to require consent of the Board of County Commissioners before land in Brunswick or Pender County may be condemned or acquired by a unit of local government outside the County, upon second reading.

On motion of Senator Lawing, consideration of the bill is postponed until Thursday, April 23.

H. B. 541, a bill to allow Bertie and Martin Counties to operate a regional jail.

On motion of Senator Harrington, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 578, a bill to raise the ceiling on the dollar amount of claims against the City of Lumberton for which the City Manager may settle.

The bill passes its second and third readings and is ordered enrolled.

H. B. 589, a bill to provide authority to Mecklenburg County, the City of Charlotte, and the Charlotte-Mecklenburg Board of Education to support noncommercial television or radio stations.

The bill passes its second and third readings and is ordered enrolled.

H. B. 593, a bill to regulate the disposal of hazardous wastes and radioactive material in Anson County.

On motion of Senator Garrison, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 596, a bill to allow Sampson County to convey at private sale the Newton Grove Medical Center and the Four County Medical Center to Rural Medical Services, Inc.

The bill passes its second and third readings and is ordered enrolled.

H. B. 613, a bill to provide that members of the Charlotte-Mecklenburg Board of Education shall receive the same mileage allowance as State officers and employees.

The bill passes its second and third readings and is ordered enrolled.

H. B. 673, a bill to expand the Hyde County Board of Commissioners from three to five members.

The bill passes its second and third readings and is ordered enrolled.

H. B. 701, a bill to allow the Union County Board of Education to pay its ten-month employees on or before the fifteenth day of each month.

The bill passes its second and third readings and is ordered enrolled.

On motion of Senator Lawing, seconded by Senator Alford, the Senate adjourns to meet tomorrow at 1:30 P.M.

SEVENTIETH DAY

SENATE CHAMBER,

Wednesday, April 22, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, as we come before You in prayer today, we are conscious of the fact that we stand here as a collection of unique individuals; each bringing with him a different faith, a different set of political beliefs, a different background, a different agenda for the future of our State and nation. Help us to be supportive of each other in our differences, recognizing the unique worth each person has as one of Your children. Help us also to know that no one faith, no one platform contains all the truth, and that we can learn from each other. May we, by the power of Your spirit working within us, pool our diverse resources to discover the best solutions for the people of this State as we move together toward Your Kingdom. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence for today to Senator Mills, who is attending a meeting of the North Carolina Department of Labor Mine Safety and Health Advisory Council, and to Senator Redman. Leaves of absence granted previously to Senators Harris, McDuffie, and Wright are noted.

REPORT TO THE PRESIDENT OF THE SENATE

By Senator Barnes for the **State Government Committee**:

The Committee of State Government has approved the recommendation of the North Carolina Governmental Evaluation Commission that the provisions of G. S. Chapter 113A, Article 4, entitled "**Sedimentation Pollution Control Act of 1973**" and Chapter 143B, Article 7, Part 8, entitled "**Sedimentation Control Commission**" be continued with modification of the relevant statutes (G.S. 143-34.16(b).

On motion of Senator Barnes, the report is adopted.

RECALLED FROM ENROLLING

H. B. 425, a bill to modify the powers and duties of Cabarrus Memorial Hospital.

On motion of Senator Lawing, the bill is recalled from the Enrolling Office and is placed on the Calendar for today for further consideration.

RE-REFERRALS

S. B. 6, a bill to permit hunting foxes and deer with dogs in Alamance County with the written consent of the landowner.

Without objection, the President directs that the bill be taken from the **Natural and Economic Resources and Wildlife Committee** and re-referred to **Judiciary I Committee**.

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H. B. 482, a bill to modify the Raleigh Civil Service Act.

On motion of Senator Johnson, the rules are suspended and the bill is taken from the Calendar for Monday, April 27, and is placed on the Calendar for today.

H. B. 492, a bill to permit fox harvesting under certain conditions in Currituck County.

Without objection, the President directs that the bill be taken from the **Natural and Economic Resources and Wildlife Committee** and re-referred to the **Appropriations Committee**.

H. B. 546, a bill to authorize the Wildlife Resource Commission to regulate the harvesting of foxes by firearms and trapping under certain conditions in Guilford County.

Without objection, the President directs that the bill be taken from the **Natural and Economic Resources and Wildlife Committee** and re-referred to the **Appropriations Committee**.

H. B. 713, a bill pertaining to the regulation of fox harvesting in Wake County.

Without objection, the President directs that the bill be taken from the **Natural and Economic Resources and Wildlife Committee** and re-referred to the **Appropriations Committee**.

H. B. 718, Committee Substitute for **H. B. 718**, a bill to permit fox trapping under certain conditions in certain counties.

Without objection, the President directs that the bill be taken from the **Natural and Economic Resources and Wildlife Committee** and re-referred to the **Appropriations Committee**.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator White for the **Agriculture Committee**:

S. B. 371, a bill to amend the North Carolina Agriculture Liming Materials and Landplaster Act, Article 8A of Chapter 106 of the General Statutes, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator White, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator White, the Committee Substitute bill is adopted, and on his further motion is re-referred to **Finance Committee**.

S. B. 404, a bill to amend Article 52 of Chapter 143 of the North Carolina General Statutes entitled "The North Carolina Pesticide Law of 1971," with a favorable report.

On motion of Senator White, the bill is re-referred to **Finance Committee**.

By Senator Swain for the **Courts and Judicial Districts and Criminal Justice Committee**:

S. B. 436, a bill to require the sheriff to furnish a list of jailed prisoners to judges, with a favorable report.

S. B. 446, a bill to provide a witness assistance program in all districts of the State to increase the convenience of court appearance by crime victims and other witnesses, to facilitate restitution payment, and to otherwise serve the needs of the State's witnesses, with a favorable report.

On motion of Senator Swain, the bill is re-referred to **Appropriations Committee**.

By Senator Jernigan for Senator McDuffie for the **Election Laws Committee**:

H. B. 827, a bill to remove the restriction on political activity by Department of Correction employees, with a favorable report.

By Senator Duncan for the **Finance Committee**:

S. B. 302, a bill to amend exemption procedures and to amend laboratory fees under the Drinking Water Act, with a favorable report, as amended.

S. B. 332, a bill to eliminate the application and deferral requirements from the ad valorem taxation of historic property, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Duncan, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Duncan, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, April 24.

S. B. 433, a bill to provide lifetime licenses for hunting and fishing and to create and maintain a Wildlife Endowment Fund with the proceeds, with a favorable report.

S. B. 437, a bill to require area mental health authorities to collect the fee charged for attending an alcohol and drug education traffic school, with a favorable report.

By Senator Raynor for the **Law Enforcement and Crime Control Committee**:

H. B. 597, a bill to authorize Raleigh police officers to purchase revolvers carried by them, with a favorable report.

By Senator Marion for the **Local Government and Regional Affairs Committee**:

S. B. 224, a bill to revise and consolidate the Charter of the Town of Southern Pines and to repeal prior local acts, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Marion, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Marion, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, April 24.

H. B. 559, a bill to require apartment owners in Mecklenburg, Forsyth and Catawba Counties to give tenant lists to the office of the tax supervisor on an annual basis, with a favorable report.

H. B. 605, a bill to authorize the County of Wake to regulate the parking of motor vehicles in properly designated fire lanes on either public or private property, with a favorable report.

H. B. 617, a bill to amend the Charter of the City of Wilmington clarifying the method of describing corporate boundaries, with a favorable report.

H. B. 620, a bill to amend the City of Wilmington Charter concerning zoning, with a favorable report.

H. B. 648, a bill to require consent of the Columbus County Board of Commissioners before land in that County may be condemned or acquired by a unit of local government outside the County, with a favorable report.

H. B. 674, a bill to grant the Town of Bethel additional powers of assessment as to streets and sidewalks, with a favorable report.

H. B. 706, a bill to provide a new Charter for the City of Greenville, North Carolina, with a favorable report.

H. B. 708, a bill to redefine the corporate limits of the Town of Bethel in Pitt County to annex a certain area, with a favorable report.

H. B. 711, a bill to permit the City of Greenville to lease to the Pitt-Greenville Chamber of Commerce, Inc., certain real property located on the corner of Greene and Third Streets in Greenville, with a favorable report.

By Senator Thomas of Craven for the **Natural and Economic Resources and Wildlife Committee**:

H. B. 283, Committee Substitute for **H. B. 283**, a bill to amend Chapter 90A, Article 2, concerning certification of water treatment facility operators, with a favorable report.

On motion of Senator Thomas of Craven, the Committee Substitute bill is re-referred to **State Government Committee**.

H. B. 445, a bill to repeal the prohibition on taking beaver in Moore County, with a favorable report.

H. B. 470, a bill to repeal the prohibition of bear hunting in Camden County, with a favorable report.

H. B. 494, a bill to amend General Statutes Chapters 139 and 153A concerning the authority of counties to conduct watershed improvement programs, with a favorable report.

H. B. 517, a bill to permit wildlife protectors to issue warning tickets for game, fish, and boat law violations, with a favorable report.

H. B. 595, a bill permitting hunting with dogs in part of Chowan County, with a favorable report.

By Senator Barnes for the **State Government Committee**:

S. B. 86, a bill to provide for the revocation of driver's license for failure to appear in court, with a favorable report.

S. B. 250, a bill to provide for a more effective review of administrative rules, and to make permanent the Legislative Research Commission's Administrative Rules Review Committee, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Barnes, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Barnes, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, April 24.

S. B. 323, a bill to authorize any judge or justice of the General Court of Justice to perform wedding ceremonies, with a favorable report.

S. B. 364, a bill to exempt the Museum of Natural History from G. S. 147-50, with a favorable report.

S. B. 401, a bill to repeal the double sunset provision on the Radiation Protection Act, with a favorable report.

S. B. 406, a bill to amend G. S. 15A-603 to require the judge at a preliminary hearing to advise an indigent defendant that if he is convicted and placed on probation he may become liable for costs of assigned counsel, with a favorable report.

H. B. 281, a bill to continue Chapter 113A, Article 4, the Sedimentation Pollution Control Act of 1973, with a favorable report.

H. B. 282, a bill to limit the term of office of members of the Sedimentation Control Commission, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Wright and Noble:

S. B. 466, a bill to bar State financial aid to certain foreign students attending any of the constituent institutions of the University of North Carolina.

Referred to **Higher Education Committee**.

By Senator Johnson:

S. B. 467, a bill to amend the law regarding wrongful death by changing the limit on medical expenses.

Referred to **Judiciary II Committee**.

By Senator Wynne:

S. B. 468, a bill to provide for an automatic pay increase to public employees who pass the certified professional secretary examination.

Referred to **State Government Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 153, a bill to recodify the Social Services Laws in G. S. Chapter 108, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, April 23.

S. B. 160, a bill to reduce the time permitted for filing answer in condemnation proceedings instituted by the North Carolina Department of Administration, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, April 23.

S. B. 211, a bill to amend G. S. 136-89.56 to provide for the establishment of logos on controlled access highways, for concurrence in House Amendments No. 1, No. 2, and No. 3, which is placed on the Calendar for tomorrow, April 23.

H. B. 127, Committee Substitute for **H. B. 127**, a bill to provide manufacturers an income tax credit for the amount of ad valorem tax paid on inventory and to require corporations to estimate their income tax liability and pay the estimated tax in installments.

Referred to **Finance Committee**.

H. B. 440, a bill to establish the fee for execution of passport application by clerks of superior court.

Referred to **Finance Committee**.

H. B. 525, a bill relating to prima facie rule of evidence for enforcement of parking regulations in the Town of Fremont and in the City of Goldsboro.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 574, a bill to allow the Town of Kenansville to increase the tax levy on motor vehicles to a maximum of five dollars.

Referred to **Finance Committee**.

H. B. 601, a bill to allow the Town of Enfield to collect a tax of not more than three dollars on motor vehicles.

Referred to **Finance Committee**.

H. B. 660, a bill to permit the Town of Bethel to impose a tax on automobiles of three dollars.

Referred to **Finance Committee**.

H. B. 665, a bill to permit all cities and towns in Dare County to collect automobile tax of an amount not to exceed five dollars.

Referred to **Finance Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 257, a bill to incorporate the Town of Beech Mountain, and to authorize its governing board to serve ex officio as the governing board of the Beech Mountain Sanitary District, for concurrence in House Amendment No. 1.

The President rules the bill requires a call of the roll upon concurrence.

On motion of Senator Kincaid, the Senate concurs in House Amendment No. 1 on second reading, by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harrington, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, Noble, Palmer, Rauch, Raynor, Royall, Smith, Soles, Speed,

Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wynne — 44.

The bill remains on the Calendar for further consideration upon third reading.

S. B. 301, a bill to establish a special conditional probation for persons convicted of making bomb threat calls, as amended, upon third reading.

Senator Barnes offers Amendment No. 2 which is adopted.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives.

S. B. 390, a bill authorizing and empowering the City of Albemarle to levy assessments for public improvements and validating assessments for improvements heretofore made, upon third reading.

The bill passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Jernigan, Johnson, Jordan, Kincaid, Marion, Marvin, Noble, Palmer, Rauch, Raynor, Royall, Soles, Speed, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wynne — 39.

The bill is ordered sent to the House of Representatives.

S. B. 415, a bill to rewrite G. S. 163-112 to provide for the filling of vacancy due to death of a candidate occurring after the filing period closes and before the primary.

On motion of Senator Thomas of Henderson, consideration of the bill is postponed until Thursday, April 30.

S. B. 422, a bill to make technical amendments to the Life and Accident and Health Insurance Guaranty Act, upon second reading.

The bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Jenkins, Jernigan, Johnson, Lawing, Marion, Marvin, Mathis, Noble, Palmer, Rauch, Raynor, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wynne — 43.

The bill remains on the Calendar upon third reading.

S. B. 423, a bill to provide a limit on liability under the North Carolina Life and Accident and Health Insurance Guaranty Association Act.

On motion of Senator Lawing, the bill is recommitted to the **Insurance Committee**.

H. B. 330, a bill relating to prima facie rules of evidence for enforcement of parking regulations in Mecklenburg County, upon third reading.

The bill passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, Noble, Palmer, Rauch, Raynor, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wynne — 45.

The bill is ordered enrolled.

H. B. 425, a bill to modify the powers and duties of Cabarrus Memorial Hospital. Senator Lawing moves that the vote by which the bill passed its third reading be reconsidered, which motion prevails.

Senator Jenkins offers Amendment No. 1 which is adopted.

The bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 482, a bill to modify the Raleigh Civil Service Act.

The bill passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 89, House Committee Substitute for **S. B. 89**, an act to allow staggered terms for district boards of health.

S. B. 118, an act to amend G. S. 89C to increase fees and for clarification.

S. B. 175, Committee Substitute bill for **S. B. 175**, an act to exclude allotments as separate value of ad valorem taxation.

S. B. 216, an act to raise the limit on the amount that may be contributed to a political campaign.

S. B. 303, an act to amend G. S. 130-166.54(a) of the Drinking Water Act.

H. B. 51, an act to permit the board of directors of a business development corporation to negotiate the rate of interest payable on loans by members.

H. B. 301, an act to amend G. S. 20-64 concerning refunds for unexpired registration plates.

H. B. 466, an act to allow the Town of Farmville and the Town of Fountain to collect on motor vehicles a tax of not more than five dollars.

H. B. 489, an act to allow Mecklenburg County to appropriate funds other than ad valorem tax funds for certain programs.

H. B. 578, an act to raise the ceiling on the dollar amount of claims against the City of Lumberton for which the City Manager may settle.

H. B. 589, an act to provide authority to Mecklenburg County, the City of Charlotte, and the Charlotte-Mecklenburg Board of Education to support noncommercial television or radio stations.

H. B. 596, an act to allow Sampson County to convey at private sale the Newton Grove Medical Center and the Four County Medical Center to Rural Medical Services, Inc.

H. B. 613, an act to provide that members of the Charlotte-Mecklenburg Board of Education shall receive the same mileage allowance as State officers and employees.

H. B. 673, an act to expand the Hyde County Board of Commissioners from three to five members.

H. B. 701, an act to allow the Union County Board of Education to pay its ten-month employees on or before the fifteenth day of each month.

H. J. R. 811, a joint resolution recognizing May first as Law Day.

On motion of Senator Lawing, seconded by Senator Rauch, the Senate adjourns to meet tomorrow at 1:30 P.M.

SEVENTY-FIRST DAY

SENATE CHAMBER,
Thursday, April 23, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Rev. Ronald W. Rowe, Pastor of Bay Leaf Baptist Church, as follows:

"Eternal Heavenly Father, for the gift of life and for the blessing of this day, we pause to give Thee thanks. We acknowledge today our dependence upon Thee and upon Thy grace and love.

"We thank Thee, Our Father, for these chosen men and women who determine the course of our great State. We pray that Thou wouldst bless their discussions, debates and decisions this day. We are also mindful to pray for their families and ask a special blessing upon them.

"Grant each of us here today the wisdom to know Thy will and the courage to do it. May Thy Spirit preside over our hearts and our lives. May Thy Spirit be our guide today. In Thy Name, we pray, Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence for today and tomorrow, April 24, to Senator Rauch, and to Senator Garrison, who is attending a meeting of the Southern Legislative Conference Transportation Committee in Washington, D.C. A leave of absence is granted to Senator Mills for tomorrow, April 24.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Mills for the **Banking Committee**:

S. B. 413, a bill relating to insurance premium financing, with a favorable report. On motion of Senator Mills, the bill is placed on the Calendar for Tuesday, April 28.

By Senator Soles for the **Judiciary II Committee**:

S. B. 417, a bill to make technical changes to Chapter 116B regarding escheats and abandoned property, with a favorable report.

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H. B. 252, Committee Substitute No. 2 for **H. B. 252**, a bill to allow telephone service of subpoenas for the attendance of witnesses, with a favorable report.

H. B. 420, Committee Substitute for **H. B. 420**, a bill to permit a nonadversarial spouse to accept service of process for the other, with a favorable report, as amended.

H. B. 485, a bill to remove the presumption that the husband is the supporting spouse for the purpose of alimony, with a favorable report.

By Senator Barnes for the **State Government Committee**:

H. B. 271, a bill to authorize the Secretary of Administration to adopt rules and regulations for the purchase of passenger automobiles, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Lawing:

S. J. R. 469, a joint resolution recognizing National Secretaries' Week and honoring secretaries throughout the State.

On motion of Senator Lawing, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger.

By Senators Hardison and Wright:

S. B. 470, a bill to fund beach protection and restoration projects.
Referred to **Appropriations Committee**.

By Senator Allred:

S. B. 471, a bill regarding maintenance of private graves.
Referred to **Judiciary I Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 300

HOUSE OF REPRESENTATIVES
April 23, 1981.

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate amendment to **H. B. 300**, a bill to amend Chapter 90, Article 11, of the General Statutes relating to veterinarians and requests conferees. The Speaker has appointed Representatives Grady, Bumgardner, and Nye on the part

of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
GRACE COLLINS
Principal Clerk

Senator Harrington moves that the President appoint conferees, which motion prevails. The President appoints Senators Harrington, Lawing, and Rauch as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 205, a bill to clarify the amount of weekly benefits under the Workers' Compensation Act, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow, April 24.

H. B. 31, Committee Substitute for **H. B. 31**, a bill to clarify the exemption from property taxes for facilities inside a plant, by removing a requirement that the Department of Natural Resources and Community Development certify the facilities.

Referred to **Finance Committee**.

H. B. 257, Committee Substitute for **H. B. 257**, a bill to amend Chapter 471 of the Session Laws of 1977.

Referred to **Natural and Economic Resources and Wildlife Committee**.

H. B. 381, a bill to amend Chapter 87, Article 2, of the General Statutes, relating to plumbing, heating and air conditioning contractors.

Referred to **Judiciary II Committee**.

H. B. 442, a bill to allow an exemption from net income for a spouse who is a full-time student.

Referred to **Finance Committee**.

H. B. 571, a bill to make certain changes in the salary continuation plan for State law enforcement officers.

Referred to **Law Enforcement and Crime Control Committee**.

H. B. 645, a bill to incorporate the Town of Robinwood in Gaston County, subject to a referendum.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 723, Committee Substitute for **H. B. 723**, a bill to repeal certain provisions in local acts relating to wildlife conservation in Pender County so that the general laws and regulations governing those matters will apply in Pender County.

Referred to **Natural and Economic Resources and Wildlife Committee**.

H. B. 769, a bill to authorize insurance companies to make loans to officers on an equal basis as loans to other employees.

Referred to **Insurance Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 86, a bill to provide for the revocation of driver's license for failure to appear in court.

The bill passes its second reading.

On objection of Senator Jenkins to its third reading the bill remains on the Calendar for further consideration.

S. B. 153, a bill to recodify the Social Services Laws in G. S. Chapter 108, for concurrence in House Amendment No. 1, upon second reading.

On motion of Senator Walker, the Senate concurs in House Amendment No. 1, upon its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Jordan, Kincaid, Lawing, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 46.

The bill remains on the Calendar for further consideration upon third reading.

S. B. 160, a bill to reduce the time permitted for filing answer in condemnation proceedings instituted by the North Carolina Department of Administration, for concurrence in House Amendment No. 1.

On motion of Senator Barnes, the Senate concurs in House Amendment No. 1, and the bill is ordered enrolled.

S. B. 211, a bill to amend G. S. 136-89.56 to provide for the establishment of logos on controlled access highways, for concurrence in House Amendments No. 1, No. 2, and No. 3.

On motion of Senator Jordan, consideration of the bill is postponed until Tuesday, April 28.

S. B. 257, a bill to incorporate the Town of Beech Mountain, and to authorize its governing board to serve ex officio as the governing board of the Beech Mountain Sanitary District, for concurrence in House Amendment No. 1, upon third reading.

On motion of Senator Kincaid, the Senate concurs in House Amendment No. 1, upon third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Raynor, Redman, Royall, Smith, Soles, Speed, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 47.

The bill is ordered enrolled.

S. B. 263, Committee Substitute for **S. B. 263**, a bill to authorize deferred prosecution in certain cases, upon third reading.

The Committee Substitute bill passes its third reading and is ordered sent to the House of Representatives.

S. B. 291, a bill to amend Article 26 of Chapter 130 of the General Statutes relating to ambulance service, as amended, upon third reading.

On motion of Senator Harris, consideration of the bill, as amended, is postponed until Tuesday, April 28.

S. B. 302, a bill to amend exemption procedures and to amend laboratory fees under the Drinking Water Act.

On motion of Senator Speed, Committee Amendments No. 1 and No. 2 are adopted. Amendment No. 1 changes the title to read **S. B. 302**, a bill to amend exemption procedures under the Drinking Water Act.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 323, a bill to authorize any judge or justice of the General Court of Justice to perform wedding ceremonies.

On motion of Senator Barnes, consideration of the bill is postponed until Tuesday, April 28.

S. B. 364, a bill to exempt the Museum of Natural History from G. S. 147-50.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 401, a bill to repeal the double sunset provision on the Radiation Protection Act.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 406, a bill to amend G. S. 15A-603 to require the judge at a preliminary hearing to advise an indigent defendant that if he is convicted and placed on probation he may become liable for costs of assigned counsel.

Senator Swain offers Amendment No. 1 which is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 422, a bill to make technical amendments to the Life and Accident and Health Insurance Guaranty Act, upon third reading.

The bill passes its third reading by roll-call vote, ayes 45, noes 1, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, Mills, Noble, Palmer, Raynor, Redman, Royall, Smith, Soles, Speed, Thomas of Craven, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 45.

Voting in the negative: Senator Thomas of Henderson — 1.

The bill is ordered sent to the House of Representatives.

S. B. 433, a bill to provide lifetime licenses for hunting and fishing and to create and maintain a Wildlife Endowment Fund with the proceeds.

On motion of Senator Duncan, consideration of the bill is postponed until Tuesday, April 28.

S. B. 436, a bill to require the sheriff to furnish a list of jailed prisoners to judges.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 437, a bill to require area mental health authorities to collect the fee charged for attending an alcohol and drug education traffic school.

The bill passes its second reading.

On objection of Senator Royall to its third reading, the bill remains on the Calendar for further consideration.

H. B. 145, Committee Substitute for **H. B. 145**, a bill to repeal Subchapter 1 of Chapter 54 of the General Statutes, relating to building and loan associations, building associations and savings and loan associations; and to repeal Chapter 54A of the General Statutes, relating to stock-owned savings and loan associations; and to enact a new Chapter 54B of the General Statutes to be entitled, "Savings and Loan Associations", upon second reading.

On motion of Senator Lawing, Committee Amendment No. 1 is adopted.

Senator Cockerham offers Amendment No. 2 which is adopted.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Duncan, Frye, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 46.

The Committee Substitute bill, as amended, remains on the Calendar upon third reading.

H. B. 281, a bill to continue Chapter 113A, Article 4, the Sedimentation Pollution Control Act of 1973.

The bill passes its second and third readings and is ordered enrolled.

H. B. 282, a bill to limit the term of office of members of the Sedimentation Control Commission.

The bill passes its second and third readings and is ordered enrolled.

H. B. 445, a bill to repeal the prohibition on taking beaver in Moore County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 470, a bill to repeal the prohibition on bear hunting in Camden County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 494, a bill to amend General Statutes Chapters 139 and 153A concerning the authority of counties to conduct watershed improvement programs.

The bill passes its second and third readings and is ordered enrolled.

H. B. 517, a bill to permit wildlife protectors to issue warning tickets for game, fish, and boat law violations.

The bill passes its second and third readings and is ordered enrolled.

H. B. 536, a bill to require consent of the Board of County Commissioners before land in Brunswick or Pender County may be condemned or acquired by a unit of local government outside the County, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 1, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Daniels, Duncan, Frye, Gray, Hancock,

Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Raynor, Redman, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wynne — 45.

Voting in the negative: Senator Wright — 1.

The bill remains on the Calendar upon third reading.

H. B. 559, a bill to require apartment owners in Mecklenburg, Forsyth and Catawba Counties to give tenant lists to the office of the tax supervisor on an annual basis.

The bill passes its second and third readings and is ordered enrolled.

H. B. 595, a bill permitting hunting with dogs in part of Chowan County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 597, a bill to authorize Raleigh police officers to purchase revolvers carried by them.

The bill passes its second and third readings and is ordered enrolled.

H. B. 605, a bill to authorize the County of Wake to regulate the parking of motor vehicles in properly designated fire lanes on either public or private property.

The bill passes its second and third readings and is ordered enrolled.

H. B. 617, a bill to amend the Charter of the City of Wilmington clarifying the method of describing corporate boundaries.

The bill passes its second and third readings and is ordered enrolled.

H. B. 620, a bill to amend the City of Wilmington Charter concerning zoning.

The bill passes its second and third readings and is ordered enrolled.

H. B. 648, a bill to require consent of the Columbus County Board of Commissioners before land in that County may be condemned or acquired by a unit of local government outside the County.

On motion of Senator Soles, consideration of the bill is postponed until Friday, April 24.

H. B. 674, a bill to grant the Town of Bethel additional powers of assessment as to streets and sidewalks, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, Mills, Noble, Palmer, Raynor, Redman, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 46.

The bill remains on the Calendar upon third reading.

H. B. 706, a bill to provide a new Charter for the City of Greenville, North Carolina, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, Mills, Noble, Palmer, Raynor, Redman, Smith, Soles,

Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 46.

The bill remains on the Calendar upon third reading.

H. B. 708, a bill to redefine the corporate limits of the Town of Bethel in Pitt County to annex a certain area, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, Mills, Noble, Palmer, Raynor, Redman, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 46.

The bill remains on the Calendar upon third reading.

H. B. 711, a bill to permit the City of Greenville to lease to the Pitt-Greenville Chamber of Commerce, Inc., certain real property located on the corner of Greene and Third Streets in Greenville.

The bill passes its second and third readings and is ordered enrolled.

H. B. 827, a bill to remove the restriction on political activity by Department of Correction employees.

The bill passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 208, an act to provide for interest to run on Workers' Compensation awards.

S. B. 294, an act to allow a referendum on repeal of a hospital tax levied under Article 13C of Chapter 131 of the General Statutes.

S. B. 363, an act to provide that beginning in 1986, the Sampson County Board of Education shall take office in July.

H. B. 330, an act relating to prima facie rules of evidence for enforcement of parking regulations in Mecklenburg County.

H. B. 359, an act to amend G. S. 20-81 relating to the registration of motor vehicles by diplomatic officials.

H. B. 482, an act to modify the Raleigh Civil Service Act.

On motion of Senator Lawing, seconded by Senator Hardison, the Senate adjourns to meet tomorrow at 10:45 A.M.

SEVENTY-SECOND DAY

SENATE CHAMBER,
Friday, April 24, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"As we approach the end of another week, O Lord, we confess a certain weariness and a need for rest. We are all guilty of trying to do too much, of wanting to be all things to all people, of seeking the approval of others even when it requires more of us that we should be willing to give. Help us to find that right balance of work and leisure that challenges us to a healthy intensity of effort while preserving an important part of our energy and time for family, worship, and rest. Grant that we may use the weekend ahead as an occasion to re-energize our body, mind, and soul for the important work that remains for us to do. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senator Royall, who is attending an executive meeting of the National Council of State Legislatures in Maryland and to Senator Mathis for today. Leaves of absence granted previously to Senators Garrison, Mills, and Rauch are noted.

RE-REFERRALS

S. B. 188, a bill to rewrite Article 8D of Chapter 105 of the General Statutes governing the taxation of savings and loan associations in North Carolina.

On motion of Senator Jordan the bill is taken from the **Ways and Means Committee** and recommitted to the **Finance Committee**.

H. B. 125, a bill to rewrite Article 8D of Chapter 105 of the General Statutes governing the taxation of savings and loan associations in North Carolina.

On motion of Senator Jordan the bill is taken from the **Ways and Means Committee** and re-referred to the **Finance Committee**.

H. B. 237, Committee Substitute for **H. B. 237**, a bill to make Civil Procedure Rule 36's provisions on requests for admissions more equitable.

On motion of Senator Swain the Committee Substitute bill is taken from the **Courts and Judicial Districts and Criminal Justice Committee** and re-referred to the **Judiciary I Committee**.

H. B. 239, Committee Substitute for **H. B. 239**, a bill to clarify Rule 4(j) of the Rules of Civil Procedure.

On motion of Senator Swain the Committee Substitute bill is taken from the **Courts and Judicial Districts and Criminal Justice Committee** and re-referred to the **Judiciary I Committee**.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles,

April 24, 1981

together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Lawing for the **Rules and Operation of the Senate Committee:**

S. J. R. 427, a joint resolution authorizing the Legislative Research Commission to study the laws of charitable solicitation, with a favorable report.

On motion of Senator Lawing, the joint resolution is placed on the Calendar for Tuesday, April 28.

H. J. R. 732, a joint resolution urging the United States Department of Agriculture to change the date on which it accepts bids for buying apples, with a favorable report.

On motion of Senator Lawing, the joint resolution is placed on the Calendar for Tuesday, April 28.

By Senator Gray for the **Senior Citizens Affairs Committee:**

H. B. 371, Committee Substitute for **H. B. 371**, a bill to allow an additional State personal income tax exemption for persons aged 70 and over, with a favorable report, as amended.

On motion of Senator Gray, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on her further motion Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, is re-referred to the **Finance Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S. B. 211

HOUSE OF REPRESENTATIVES

April 24, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body requesting the return of **S. B. 211**, a bill to be entitled an act to amend G. S. 136-89.56 to provide for the establishment of logos on controlled access highways, for further consideration by the House of Representatives.

Respectfully,

GRACE COLLINS

Principal Clerk

On motion of Senator Lawing, the bill is withdrawn from the Calendar for Tuesday, April 28, and returned to the House of Representatives for further consideration.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Johnson:

S. B. 472, a bill to allow monies in official depositories to be placed in negotiable order of withdrawal accounts.

Referred to **Banking Committee**.

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By Senator Vickery:

S. B. 473, a bill to provide additional deputy clerks of court in Orange County.

Referred to **Courts and Judicial Districts and Criminal Justice Committee**.

By Senator Vickery:

S. B. 474, a bill to provide additional deputy clerks of court for Moore County.

Referred to **Courts and Judicial Districts and Criminal Justice Committee**.

By Senator Vickery:

S. B. 475, a bill to provide an additional district court judge in Judicial District 15B.

Referred to **Courts and Judicial Districts and Criminal Justice Committee**.

By Senators Vickery and Walker:

S. B. 476, a bill to require lenders to pay interest on escrow accounts.

Referred to **Banking Committee**.

By Senator Vickery:

S. B. 477, a bill to appropriate funds to the North Carolina Symphony to enable the Symphony to complete its season.

Referred to **Appropriations Committee**.

By Senators Rauch, Marvin, Harris, Allsbrook, Alford, and Harrington:

S. J. R. 478, a joint resolution honoring the life and memory of Linwood Branton Hollowell, Senior.

Referred to **Rules and Operation of the Senate Committee**.

By Senators Mills, Harris, Garrison, Johnson, Ballenger, Hardison, and Smith:

S. B. 479, a bill to amend G. S. 24-11 relating to revolving credit.

Referred to **Banking Committee**.

Senator Ward moves that Rule 41 be suspended to allow the introduction and referral to committee of the following joint resolution, which motion prevails by a two-thirds majority vote.

By Senators Ward, Allred, Baker, Barnes, Cavanagh, Cockerham, Creech, Duncan, Gray, Hancock, Hardison, Jernigan, Johnson, Jordan, Kincaid, Marvin, Mills, Noble, Redman, Royall, Swain, Thomas of Craven, Thomas of Henderson, Walker, Warren, and Wright:

S. J. R. 480, a joint resolution encouraging the Department of Correction to examine its policies and procedures as they may have impact upon the prison population.

Referred to **Rules and Operation of the Senate Committee**.

By Senator Vickery:

S. B. 481, a bill to provide an additional district court judge in Judicial District 15B.

Referred to **Courts and Judicial Districts and Criminal Justice Committee**.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H. J. R. 842, a joint resolution providing for a Joint Session of the Senate and House of Representatives at 12 Noon, Tuesday, April 28, 1981; inviting His Excellency, Governor James B. Hunt, Jr., to address that Session concerning the State highway system; and

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providing for consideration at that Session of confirmation of the Governor's appointments to the State Board of Education.

On motion of Senator Lawing, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered enrolled.

H. J. R. 842

HOUSE OF REPRESENTATIVES

April 24, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to **H. J. R. 842**, a joint resolution providing for a Joint Session of the Senate and House of Representatives at 12 Noon, Tuesday, April 28, 1981; inviting His Excellency, Governor James B. Hunt, Jr., to address that Session concerning the State highway system; and providing for consideration at that Session of confirmation of the Governor's appointments to the State Board of Education, the Speaker has appointed the following members of the House of Representatives to serve with a like Committee of the Senate to greet and escort the Governor to the Joint Session: Representative Robert Hunter, Representative Charles Evans, Representative Margaret Tennille, and Representative David Parnell.

Respectfully,
GRACE COLLINS
Principal Clerk

The President appoints the following Senators to serve with the like Committee of the House of Representatives to greet and escort the Governor to the Joint Session: Senator James Speed, Senator Dallas Alford, and Senator Joseph Harrington, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 297, Committee Substitute for **H. B. 297**, a bill to amend Chapter 90, Article 18B of the General Statutes relating to physical therapy.

Referred to **State Government Committee**.

H. B. 551, a bill to amend Chapter 496 of the 1955 Session Laws, As Amended, relating to the pension fund for the retirement and disability of members of the police department of the City of High Point.

Referred to **Pensions and Retirement Committee**.

H. B. 556, a bill to allow Mecklenburg County to enact ordinances providing for fair housing opportunities in Mecklenburg County.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 558, a bill to allow Mecklenburg County to assign any or all of the duties of the board of adjustment to a planning agency.

Referred to **Local Government and Regional Affairs Committee**.

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H. B. 602, a bill to provide a Supplemental Retirement Fund for firemen in the City of Belhaven.

Referred to **Pensions and Retirement Committee**.

H. B. 632, a bill to provide that the board of adjustment procedures shall apply to the City Council of Wilmington when issuing special use permits or conditional use permits and rewriting G. S. 160A-388(e) to clarify the procedures for judicial review.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 634, a bill to give the City of Wilmington authority to abolish the General Employees' Retirement Fund for the City of Wilmington upon transfer of employees to the North Carolina Local Governmental Employees' Retirement System.

Referred to **Pensions and Retirement Committee**.

H. B. 669, a bill to allow housing authority tenants to serve as Authority commissioners.

Referred to **Judiciary II Committee**.

H. B. 687, a bill to amend Chapter 363 of the 1969 Session Laws concerning the retirement fund for firemen in the City of Newton.

Referred to **Pensions and Retirement Committee**.

H. B. 788, a bill to delete references to local health or social services departments in Statutes dealing with prison inmates.

Referred to **Law Enforcement and Crime Control Committee**.

H. B. 789, a bill to allow the Criminal Justice Education and Training Standards Commission to extend probationary certification.

Referred to **Courts and Judicial Districts and Criminal Justice Committee**.

H. B. 866, a bill to repeal an obsolete provision of the General Statutes relating to pardon of prisoners.

Referred to **Law Enforcement and Crime Control Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 86, a bill to provide for the revocation of driver's license for failure to appear in court, upon third reading.

On motion of Senator Barnes, consideration of the bill is postponed until Wednesday, April 29.

S. B. 153, a bill to recodify the Social Services Laws in G. S. Chapter 108, for concurrence in House Amendment No. 1, upon third reading.

On motion of Senator Walker, the Senate concurs in House Amendment No. 1 by roll-call vote, ayes 33, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Duncan, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Jordan, Lawing, McDuffie, Noble, Redman, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, and White — 33.

The bill is ordered enrolled.

S. B. 205, a bill to clarify the amount of weekly benefits under the Workers' Compensation Act, for concurrence in House Amendment No. 1.

On motion of Senator Jenkins, the Senate concurs in House Amendment No. 1 and the bill is ordered enrolled.

S. B. 224, Committee Substitute for **S. B. 224**, a bill to revise and consolidate the Charter of the Town of Southern Pines and to repeal prior local acts, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, McDuffie, Noble, Palmer, Raynor, Redman, Smith, Soles, Speed, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 40.

The Committee Substitute bill remains on the Calendar upon third reading.

S. B. 250, Committee Substitute for **S. B. 250**, a bill to provide for a more effective review of administrative rules, and to make permanent the Legislative Research Commission's Administrative Rules Review Committee.

The Committee Substitute bill passes its second reading.

On objection of Senator Jordan to its third reading, the Committee Substitute bill remains on the Calendar for Wednesday, April 29, for further consideration.

S. B. 332, Committee Substitute for **S. B. 332**, a bill to eliminate the application and deferral requirements from the ad valorem taxation of historic property.

On motion of Senator Walker, consideration of the Committee Substitute bill is postponed until Tuesday, April 28.

S. B. 417, a bill to make technical changes to Chapter 116B regarding escheats and abandoned property, upon second reading.

On motion of Senator Barnes, consideration of the bill is postponed until Tuesday, April 28.

S. B. 437, a bill to require area mental health authorities to collect the fee charged for attending an alcohol and drug education traffic school, upon third reading.

The bill passes its third reading and is ordered sent to the House of Representatives.

H. B. 145, Committee Substitute for **H. B. 145**, a bill to repeal Subchapter I of Chapter 54 of the General Statutes, relating to building and loan associations, building associations and savings and loan associations; and to repeal Chapter 54A of the General Statutes, relating to stock-owned savings and loan associations; and to enact a new Chapter 54B of the General Statutes to be entitled, "Savings and Loan Associations," as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Duncan, Frye, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, McDuffie, Noble, Palmer, Raynor, Redman, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 41.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

H. B. 252, Committee Substitute No. 2 for **H. B. 252**, a bill to allow telephone service of subpoenas for the attendance of witnesses.

The Committee Substitute bill No. 2 passes its second and third readings and is ordered enrolled.

H. B. 271, a bill to authorize the Secretary of Administration to adopt rules and regulations for the purchase of passenger automobiles.

The bill passes its second and third readings and is ordered enrolled.

H. B. 420, Committee Substitute for **H. B. 420**, a bill to permit a nonadversarial spouse to accept service of process for the other.

On motion of Senator Johnson, Committee Amendment No. 1 is adopted.

On motion of Senator Harris, seconded by Senator Jenkins, the Committee Substitute bill, as amended, is tabled.

H. B. 485, a bill to remove the presumption that the husband is the supporting spouse for the purpose of alimony.

The bill passes its second and third readings and is ordered enrolled.

H. B. 536, a bill to require consent of the Board of County Commissioners before land in Brunswick or Pender County may be condemned or acquired by a unit of local government outside the County, upon third reading.

On motion of Senator Marion, consideration of the bill is postponed until Wednesday, April 29.

H. B. 648, a bill to require consent of the Columbus County Board of Commissioners before land in that County may be condemned or acquired by a unit of local government outside the County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 674, a bill to grant the Town of Bethel additional powers of assessment as to streets and sidewalks, upon third reading.

The bill passes its third reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, Kincaid, Marion, McDuffie, Palmer, Raynor, Redman, Smith, Soles, Speed, Swain, Walker, Ward, Warren, White, Wright, and Wynne — 37.

The bill is ordered enrolled.

H. B. 706, a bill to provide a new Charter for the City of Greenville, North Carolina, upon third reading.

The bill passes its third reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, Kincaid, Marion, McDuffie, Palmer, Raynor, Redman, Smith, Soles, Speed, Swain, Walker, Ward, Warren, White, Wright, and Wynne — 37.

The bill is ordered enrolled.

H. B. 708, a bill to redefine the corporate limits of the Town of Bethel in Pitt County to annex a certain area, upon third reading.

The bill passes its third reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, Kincaid, Marion, McDuffie, Palmer, Raynor, Redman, Smith, Soles, Speed, Swain, Walker, Ward, Warren, White, Wright, and Wynne — 37.

The bill is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 51, an act to disband the Asheville Fireman's Pension and Disability Fund.

S. B. 160, an act to reduce the time permitted for filing answer in condemnation proceedings instituted by the North Carolina Department of Administration.

S. B. 257, an act to incorporate the Town of Beech Mountain, and to authorize its governing board to serve ex officio as the governing board of the Beech Mountain Sanitary District.

S. B. 334, an act to make elections for town commissioners of the Town of Cleveland consistent with other municipal elections.

S. J. R. 469, a joint resolution recognizing National Secretaries' Week and honoring secretaries throughout the State.

H. B. 281, an act to continue Chapter 113A, Article 4, the Sedimentation Pollution Control Act of 1973.

H. B. 282, an act to limit the term of office of members of the Sedimentation Control Commission.

H. B. 445, an act to repeal the prohibition on taking beaver in Moore County.

H. B. 470, an act to repeal the prohibition on bear hunting in Camden County.

H. B. 494, an act to amend General Statutes Chapters 139 and 153A concerning the authority of counties to conduct watershed improvement programs.

H. B. 517, an act to permit wildlife protectors to issue warning tickets for game, fish, and boat law violations.

H. B. 559, an act to require apartment owners in Mecklenburg, Forsyth and Catawba Counties to give tenant lists to the office of the tax supervisor on an annual basis.

H. B. 595, an act permitting hunting with dogs in part of Chowan County.

H. B. 597, an act to authorize Raleigh police officers to purchase revolvers carried by them.

H. B. 605, an act to authorize the County of Wake to regulate the parking of motor vehicles in properly designated fire lanes on either public or private property.

H. B. 617, an act to amend the Charter of the City of Wilmington clarifying the method of describing corporate boundaries.

H. B. 620, an act to amend the City of Wilmington Charter concerning zoning.

H. B. 711, an act to permit the City of Greenville to lease to the Pitt-Greenville Chamber of Commerce, Inc., certain real property located on the corner of Greene and Third Streets in Greenville.

H. B. 827, an act to remove the restriction on political activity by Department of Correction employees.

On motion of Senator Lawing, seconded by Senator Walker, the Senate adjourns to meet Monday at 7:30 P.M.

SEVENTY-THIRD DAY

SENATE CHAMBER,
Monday, April 27, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, whose will for us is the enjoyment of every good and perfect gift, fill our hearts and minds this night with a thirst for doing Your will. As You led the prophets and Kings of old, so lead and direct our Lt. Governor and the members of this Senate as they deal with the harsh realities of diminishing resources and continuing needs. Help them to discover new ways of providing the services essential to the ongoing health, safety, and welfare of Your people, while preserving financial integrity. Father, the problems before us are immense, but we know that if we open ourselves to Your leadership we shall not only endure, but shall triumph. Amen."

Senator Allsbrook for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senators Gray, Jernigan, Kincaid, Mathis, McDuffie, and Mills for tonight.

The President recognizes the following pages serving in the Senate this week: Carolyn Ruth Alder, Cary; Madeline May Allen, Troy; Beverly Dianne Andrews, Wendell; Mona Celeste Burgess, Winston-Salem; John Charles Curry, Charlotte; Susan Marie Elks, Edenton; Melinda Anne Freeman, Fayetteville; William Funderburk, Raleigh; John Gordon Jethro, Jr., Edenton; Joye Beth Joyner, Rolesville; Patrick Jennings Latta, Nashville; Martha Ann McGeachy, Raleigh; Henry Franklin McNeill, Jr., Norwood; Harriette Mitchener, Laurinburg; Mimi Siegel, Rutherfordton; Susanne Marie Sifford, Lincolnton; Clarence Foster Stanback, Salisbury; Lindsey Gray Tuttle, Stoneville; Mark Tuttle, Stoneville; Michelle Vance, Plumbtree; and Charles Duane Wells, Morehead City.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

April 27, 1981

By Senators Swain, Harris, Allsbrook, Alford, and Barnes:

S. B. 482, a bill to exempt church-related day-care centers from certain licensing requirements.

Referred to **Judiciary I Committee**.

By Senator Jordan:

S. B. 483, a bill to waive tuition and registration fees for trainees enrolled in courses under the New and Expanding Industry Program.

Referred to **Finance Committee**.

By Senator Lawing:

S. B. 484, a bill to create a special waterfowl hunting license and to increase the migratory waterfowl conservation program.

Referred to **Natural and Economic Resources and Wildlife Committee**.

By Senators Allsbrook, White, Swain, Alford, Speed, Harrington, Daniels, Raynor, Soles, Thomas of Henderson, McDuffie, Palmer, Clarke, Ballenger, Smith, Boger, Barnes, Kincaid, Baker, Jordan, Warren, Cockerham, Redman, and Cavanagh:

S. B. 485, a bill to appropriate funds to the Forest Development Fund.

Referred to **Appropriations Committee**.

Senator Ward moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Ward and Cavanagh:

S. B. 486, a bill relating to the Winston-Salem Firemen's Retirement Fund Association.

Referred to **Pensions and Retirement Committee**.

By Senator Warren:

S. B. 487, a bill to establish a program in the Department of Cultural Resources for the registration of historical military reenactment groups.

Referred to **State Government Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 261, a bill regarding beer elections in Yaupon Beach.

Referred to **Alcoholic Beverage Control Committee**.

H. B. 263, a bill to alter the distribution of Yaupon Beach ABC profits.

Referred to **Alcoholic Beverage Control Committee**.

H. B. 290, Committee Substitute for **H. B. 290**, a bill to amend Chapter 90, Article 22 of the General Statutes relating to speech and language pathologists and audiologists.

Referred to **State Government Committee**.

H. B. 338, Committee Substitute for **H. B. 338**, a bill to provide a supplemental retirement fund for firemen in the Town of Waynesville and to modify the application of G. S. 118-5, G. S. 118-6, and G. S. 118-7 to the Town of Waynesville.

Referred to **Pensions and Retirement Committee**.

H. B. 557, a bill to increase the maximum fine for littering in Mecklenburg County.
Referred to **Local Government and Regional Affairs Committee**.

H. B. 834, a bill to provide a tax credit for insulation, storm windows and storm doors.
Referred to **Finance Committee**.

H. B. 841, a bill to clarify the procedure for removing the names from the registration records of persons who have moved to another county or state or who have died and to remove obsolete references.

Referred to **Election Laws Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 224, Committee Substitute for **S. B. 224**, a bill to revise and consolidate the Charter of the Town of Southern Pines and to repeal prior local acts, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Hancock, Hardison, Harris, Jenkins, Johnson, Jordan, Lawing, Marion, Marvin, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wright — 40.

The Committee Substitute bill is ordered sent to the House of Representatives.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 153, an act to recodify the Social Services Laws in G. S. Chapter 108.

S. B. 205, an act to clarify the amount of weekly benefits under the Workers' Compensation Act.

S. B. 343, an act to amend the City of Wilmington Charter regarding preparation of instruments.

S. B. 345, an act to amend the Charter of the City of Wilmington to clarify the right of the mayor to vote.

S. B. 347, an act to amend the Charter of the City of Wilmington deleting reference to the organizational meeting of City Council to conform to Chapter 1247 of the 1979 Session Laws.

S. B. 361, an act to merge the Towns of Lewiston and Woodville in Bertie County into a single municipality to be known as the Town of Lewiston Woodville.

H. B. 252, Committee Substitute No. 2 for **H. B. 252**, an act to allow telephone service of subpoenas for the attendance of witnesses.

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H. B. 271, an act to authorize the Secretary of Administration to adopt rules and regulations for the purchase of passenger automobiles.

H. B. 485, an act to remove the presumption that the husband is the supporting spouse for the purpose of alimony.

H. B. 541, an act to allow Bertie and Martin Counties to operate a regional jail.

H. B. 648, an act to require consent of the Columbus County Board of Commissioners before land in that County may be condemned or acquired by a unit of local government outside the County.

H. B. 674, an act to grant the Town of Bethel additional powers of assessment as to streets and sidewalks.

H. B. 706, an act to provide a new Charter for the City of Greenville, North Carolina.

H. B. 708, an act to redefine the corporate limits of the Town of Bethel in Pitt County to annex a certain area.

H. J. R. 842, a joint resolution providing for a Joint Session of the Senate and House of Representatives at 12 Noon, Tuesday, April 28, 1981; inviting His Excellency, Governor James B. Hunt, Jr., to address that Session concerning the State highway system; and providing for consideration at that Session of confirmation of the Governor's appointments to the State Board of Education.

On motion of Senator Lawing, seconded by Senator White, the Senate adjourns to meet tomorrow at 11:45 A.M.

SEVENTY-FOURTH DAY

SENATE CHAMBER,
Tuesday, April 28, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, we thank You this day for Your manifold gifts that make our lives enjoyable and interesting, for meaningful work that increases our sense of self-worth, for laughter that eases pain and reduces tensions, for the beauty of nature that reminds us of Your loving presence, and for friends who support us and encourage us. Make us worthy to receive these gifts by enabling us to do our work with energy and integrity, by helping us to laugh at ourselves and with others, by giving us the wisdom we need to protect and preserve the beauty of this world, and by encouraging us to be the strong and supportive friends who bear the burdens of our brothers and sisters. In all that we do, help us to act so that we give You the honor and the glory that are due Your Name. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

April 28, 1981

The President grants a leave of absence to Senator Thomas of Craven for today.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. J. R. 842

House of Representatives

April 28, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to **H. J. R. 842**, a joint resolution providing for a Joint Session of the Senate and House of Representatives at 12 Noon, Tuesday, April 28, 1981; inviting His Excellency, Governor James B. Hunt, Jr., to address that Session concerning the State highway system; and providing for consideration at that Session of confirmation of the Governor's appointments to the State Board of Education, the House of Representatives stands ready to receive the Senate in Joint Session at 12:00 Noon.

Respectfully,

GRACE COLLINS

Principal Clerk

The President orders a Special Message be sent to the House of Representatives informing that Honorable Body that the Senate stands ready to repair to the Hall of the House pursuant to **H. J. R. 842**, fixing the time and place to meet in Joint Session for the purpose of receiving the Governor's message concerning the State Highway System and confirming appointments of the Governor to membership on the State Board of Education.

On motion of Senator Lawing, in accordance with **H. J. R. 842**, the Senate recesses to repair to the Hall of the House of Representatives there to sit in Joint Session, and on his further motion upon dissolution of the Joint Session to return to the Senate Chamber for the further consideration of business.

JOINT SESSION

The Senate is received by the members of the House of Representatives standing, and the Joint Session is called to order by Lieutenant Governor James C. Green, President of the Senate.

The President recognizes Senator Speed who presents His Excellency, Governor James B. Hunt, Jr., who delivers his Message on the State Highway System. (Pursuant to **H. J. R. 842**, the text of the address appears in the Appendix.)

The Senate and House of Representatives remain in Joint Session for the purpose of confirming appointments of the Governor to membership on the State Board of Education.

The Clerk of the Senate calls the roll of the Senate and the following members answer the call: Senators Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles,

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Speed, Swain, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 47.

The Clerk of the House of Representatives calls the roll of the House of Representatives and the following members answer the call: Representatives Adams, Allran, Almond, Anderson, Barbee, Barker, Barnes, Beam, Beard, Bell, Blue, Bone, Brannan, Brawley, Brown, Brubaker, Bumgardner, Bundy, Burnley, Chapin, Church, D. Clark, W. Clark, Coble, Cochrane, Colton, Cook, Craven, Crawford, Creecy, Diamont, Easterling, Edwards, Ellis, Enloe, Bob Etheridge, Bruce Ethridge, Fenner, Foster, Fulcher, Fussell, Gay, Gillam, Grady, Greenwood, Guy, Hackney, Harrison, Haworth, Hayden, Hege, Helms, Hiatt, Hightower, Holmes, B. Holt, C. Holt, C. Hughes, J. Hughes, J. Hunt, P. Hunt, T. Hunter, Huskins, Hux, James, Jones, Jordan, Kaplan, Lacey, Lancaster, Ligon, Lilley, Locklear, Lutz, McAlister, McDowell, Mauney, Mavretic, Messer, Miller, Morgan, Musselwhite, Nash, Nesbitt, Nye, Payne, Pegg, Plyler, Poovey, Pulley, Quinn, Rabon, Radford, Ramsey, Redding, Rhodes, Robinson, Seymour, Smith, Spaulding, Spoon, Stamey, Tally, Taylor, Thomas, Tison, Tyson, Warren, Watkins, Wicker, Woodard, and Wright — 112.

A quorum of each House being declared present, the Joint Session proceeds with the business of confirming the Governor's appointments to the State Board of Education.

The President of the Senate directs the Reading Clerk of the Senate to read the following messages from the Governor:

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
March 31, 1981

The Honorable James C. Green
President of the Senate
Lt. Governor of North Carolina
Legislative Building
Raleigh, North Carolina 27611

Re: State Board of Education

Dear Mr. Speaker:

Pursuant to the provisions of North Carolina General Statute Section 115-2, I submit herewith to the General Assembly the persons listed below whom I have recommended as members of the State Board of Education:

1. Prezell R. Robinson to be reappointed to an at large position with a term expiring April 1, 1989.
2. Barbara M. Tapscott, representing Education District 5 to a term expiring April 1, 1989 to succeed Evelyn S. Tyler.
3. James B. Chavis, representing Education District 4, to a term expiring April 1, 1989, to succeed Earl H. Oxendine.

Sincerely,
S/ JAMES B. HUNT, JR.
Governor of North Carolina

April 28, 1981

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
March 31, 1981

The Honorable Liston B. Ramsey
Office of the Speaker
North Carolina House of Representatives
Legislative Building
Raleigh, North Carolina 27611

Re: State Board of Education

Dear Mr. Speaker:

Pursuant to the provisions of North Carolina General Statute Section 115-2, I submit herewith to the General Assembly the persons listed below whom I have recommended as members of the State Board of Education:

1. Prezell R. Robinson to be reappointed to an at large position with a term expiring April 1, 1989.
2. Barbara M. Tapscott, representing Education District 5 to a term expiring April 1, 1989 to succeed Evelyn S. Tyler.
3. James B. Chavis, representing Education District 4, to a term expiring April 1, 1989, to succeed Earl H. Oxendine.

Sincerely,
S/ JAMES B. HUNT, JR.
Governor of North Carolina

Senator Speed, Chairman of the Senate **Education Committee**, submits the following report:

The Honorable James C. Green
Lieutenant Governor of North Carolina
State Legislative Building
Raleigh, North Carolina

Dear Mr. President:

In compliance with the provisions of North Carolina General Statute 115-2 that nominees to fill positions on the State Board of Education shall be subject to confirmation by the General Assembly in Joint Session, Governor Hunt has submitted for confirmation by the General Assembly the following names:

1. Dr. Prezell R. Robinson to be reappointed to an at large position with a term expiring April 1, 1989.
2. Dr. Barbara M. Tapscott, representing Education District 5 to a term expiring April 1, 1989, to succeed Evelyn S. Tyler.
3. Dr. James B. Chavis, representing Education District 4 to a term expiring April 1, 1989, to succeed Earl H. Oxendine.

Pursuant to **H. J. R. 842**, the Senate Committee on Education has considered the nominees and makes the following recommendation to this Joint Session:

April 28, 1981

That the nominations of Dr. Prezell R. Robinson, Dr. Barbara M. Tapscott and Dr. James B. Chavis be confirmed.

Respectfully submitted,
S/ JAMES D. SPEED
Senate Committee on Education

Representative Foster, Chairman of the House **Education Committee**, submits the following report:

The Honorable Liston B. Ramsey
Speaker of the House of Representatives
State Legislative Building
Raleigh, North Carolina

Dear Mr. Speaker:

In compliance with the provisions of North Carolina General Statute 115-2 that nominees to fill positions on the State Board of Education shall be subject to confirmation by the General Assembly in Joint Session, Governor Hunt has submitted for confirmation by the General Assembly the following names:

1. Dr. Prezell R. Robinson to be reappointed to an at large position with a term expiring April 1, 1989.
2. Dr. Barbara M. Tapscott, representing Education District 5 to a term expiring April 1, 1989, to succeed Evelyn S. Tyler.
3. Dr. James B. Chavis, representing Education District 4 to a term expiring April 1, 1989, to succeed Earl H. Oxendine.

Pursuant to **H. J. R. 842**, the House Committee on Education has considered the nominees and makes the following recommendation to this Joint Session:

That the nominations of Dr. Prezell R. Robinson, Dr. Barbara M. Tapscott and Dr. James B. Chavis be confirmed.

Respectfully submitted,
S/ JO GRAHAM FOSTER
House Committee on Education

Senator Speed moves that the Senate do confirm the appointment of Dr. Prezell R. Robinson as a member at large of the State Board of Education. Representative Foster moves that the House of Representatives do confirm the appointment of Dr. Prezell R. Robinson as a member at large of the State Board of Education.

The President of the Senate orders that the roll of the Senate shall be called and thereafter the roll of the House of Representatives, after which the results of the vote of each Body shall be announced.

The motions to confirm the appointment of Dr. Prezell R. Robinson as a member at large of the State Board of Education prevail by the following roll-call votes:

Senate — ayes 47, noes 0, as follows: Senators Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 47.

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House of Representatives — ayes 117, noes 0, as follows: Representatives Adams, Allran, Almond, Anderson, Barbee, Barker, Barnes, Beam, Beard, Bell, Black, Blue, Bone, Brannan, Brawley, Brown, Brubaker, Bumgardner, Bundy, Burnley, Chapin, Church, D. Clark, W. Clark, Coble, Cochrane, Colton, Cook, Craven, Crawford, Creecy, Diamont, Easterling, Economos, Edwards, Ellis, Enloe, Bob Etheridge, Bruce Ethridge, Fenner, Foster, Fulcher, Fussell, Gay, Gillam, Grady, Greenwood, Guy, Hackney, Harrison, Haworth, Hayden, Hege, Helms, Hiatt, Hightower, Holmes, B. Holt, C. Holt, C. Hughes, J. Hughes, J. Hunt, P. Hunt, R. Hunter, T. Hunter, Huskins, Hux, James, Jones, Jordan, Kaplan, Lacey, Lancaster, Ligon, Lilley, Locklear, Lutz, McAlister, McDowell, Mauney, Mavretic, Messer, Miller, Morgan, Musselwhite, Nash, Nesbitt, Nye, Parnell, Payne, Pegg, Plyler, Poovey, Pulley, Quinn, Rabon, Radford, Ramsey, Redding, Rhodes, Robinson, Seymour, Smith, Spaulding, Spoon, Stamey, Tally, Taylor, Tennille, Thomas, Tison, Tyson, Warren, Watkins, Wicker, Woodard, and Wright — 117.

Having received a majority of votes of both houses, the appointment of Dr. Prezell R. Robinson as a member-at-large of the State Board of Education is confirmed.

Senator Speed moves that the Senate do confirm the appointment of Dr. Barbara M. Tapscott, to succeed Evelyn S. Tyler, as a member of the State Board of Education. Representative Foster moves that the House of Representatives do confirm the appointment of Dr. Barbara M. Tapscott, to succeed Evelyn S. Tyler, as a member of the State Board of Education.

The President of the Senate orders that the roll of the Senate shall be called and thereafter the roll of the House of Representatives after which the results of the vote of each Body shall be announced.

The motions to confirm the appointment of Dr. Barbara M. Tapscott as a member of the State Board of Education prevail by the following roll-call votes:

Senate — ayes 47, noes 0, as follows: Senators Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 47.

House of Representatives — ayes 114, noes 0, as follows: Representatives Adams, Allran, Almond, Anderson, Barbee, Barker, Barnes, Beam, Beard, Bell, Black, Blue, Bone, Brannan, Brawley, Brown, Brubaker, Bumgardner, Bundy, Burnley, Chapin, Church, D. Clark, W. Clark, Coble, Cochrane, Colton, Cook, Craven, Crawford, Creecy, Diamont, Easterling, Economos, Edwards, Ellis, Enloe, Bob Etheridge, Bruce Ethridge, Fenner, Foster, Fulcher, Fussell, Gay, Gillam, Grady, Greenwood, Guy, Hackney, Harrison, Haworth, Hayden, Helms, Hiatt, Hightower, Holmes, B. Holt, C. Holt, C. Hughes, J. Hughes, J. Hunt, P. Hunt, R. Hunter, T. Hunter, Huskins, Hux, James, Jones, Jordan, Lacey, Lancaster, Ligon, Lilley, Locklear, Lutz, McAlister, McDowell, Mauney, Mavretic, Messer, Miller, Morgan, Musselwhite, Nash, Nesbitt, Nye, Parnell, Payne, Pegg, Plyler, Poovey, Pulley, Quinn, Rabon, Radford, Ramsey, Redding, Rhodes, Robinson, Seymour, Smith, Spaulding, Spoon, Stamey, Tally, Tennille, Thomas, Tison, Tyson, Warren, Watkins, Wicker, Woodard, and Wright — 114.

Having received a majority of votes of both houses, the appointment of Dr. Barbara M. Tapscott to succeed Evelyn S. Tyler, as a member of the State Board of Education is confirmed.

Senator Speed moves that the Senate do confirm the appointment of Dr. James B. Chavis, to succeed Earl H. Oxendine, as a member of the State Board of Education. Representative Foster moves that the House of Representatives do confirm the appointment of Dr. James B. Chavis as a member of the State Board of Education, to succeed Earl H. Oxendine.

The President of the Senate orders that the roll of the Senate shall be called and thereafter the roll of the House of Representatives, after which the results of the vote of each Body shall be announced.

The motions to confirm the appointment of Dr. James B. Chavis as a member of the State Board of Education prevail by the following roll-call votes:

Senate — ayes 47, noes 0, as follows: Senators Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 47.

House of Representatives — ayes 115, noes 0, as follows: Representatives Adams, Allran, Almond, Anderson, Barbee, Barker, Barnes, Beam, Beard, Bell, Black, Blue, Bone, Brannan, Brawley, Brown, Brubaker, Bumgardner, Bundy, Burnley, Chapin, Church, D. Clark, W. Clark, Coble, Cochrane, Colton, Cook, Craven, Crawford, Creecy, Diamont, Easterling, Economos, Edwards, Ellis, Enloe, Bob Etheridge, Bruce Ethridge, Evans, Fenner, Foster, Fulcher, Fussell, Gay, Gillam, Grady, Greenwood, Guy, Hackney, Harrison, Haworth, Hayden, Hege, Helms, Hiatt, Hightower, Holmes, B. Holt, C. Holt, C. Hughes, J. Hughes, J. Hunt, P. Hunt, R. Hunter, T. Hunter, Huskins, Hux, James, Jones, Jordan, Lacey, Lancaster, Ligon, Lilley, Locklear, Lutz, McAlister, McDowell, Mauney, Mavretic, Miller, Morgan, Musselwhite, Nash, Nesbitt, Nye, Parnell, Payne, Pegg, Plyler, Poovey, Pulley, Quinn, Rabon, Radford, Ramsey, Redding, Rhodes, Robinson, Seymour, Smith, Spaulding, Spoon, Stamey, Tally, Tennille, Thomas, Tison, Tyson, Warren, Watkins, Wicker, Woodard, and Wright — 115.

Having received a majority of votes of both houses, the appointment of Dr. James B. Chavis as a member of the State Board of Education, to succeed Earl H. Oxendine, is confirmed.

It is ordered by the President of the Senate the Governor be notified of the action of the General Assembly sitting in Joint Session upon the confirmations of the appointments of Dr. Prezell R. Robinson, Dr. Barbara M. Tapscott, and Dr. James B. Chavis as members of the State Board of Education.

On motion of Senator Lawing, the Joint Session is dissolved and pursuant to the motion heretofore made, the Senate returns to its Chamber.

The Senate resumes consideration of its regular business.

RE-REFERRAL

S. B. 415, a bill to rewrite G. S. 163-112 to provide for the filling of vacancy due to death of a candidate occurring after the filing period closes and before the primary.

On motion of Senator McDuffie the bill is taken from the Calendar for Thursday, April 30, and recommitted to the **Election Laws Committee**

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator White for the **Agriculture Committee**:

S. B. 91, a bill to rewrite the meat market law, with a favorable report, as amended.

S. B. 410, a bill to rewrite the liquefied petroleum gases safety law, with a favorable report.

H. B. 805, a bill to repeal certain articles of Chapter 106 dealing with agriculture, which have been superceded by other laws, with a favorable report.

By Senator Soles for the **Judiciary II Committee**:

S. B. 322, a bill stating that certain school employees who, in good faith, report drug and alcohol abuse shall not be liable for civil damages, with a favorable report.

S. B. 414, a bill to amend the General Statutes relating to rural fire protection districts, with a favorable report.

H. B. 381, a bill to amend Chapter 87, Article 2, of the General Statutes, relating to plumbing, heating and air conditioning contractors, with a favorable report, as amended.

H. B. 547, a bill to provide that certain additional ancient mineral claims are extinguished in certain counties; and that certain oil, gas and mineral interests are to be recorded in such counties, with a favorable report, as amended.

H. B. 669, a bill to allow housing authority tenants to serve as Authority commissioners, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Clarke, Wynne, Harris, Ward, Allred, and Gray:

S. B. 488, a bill to provide low-income individuals an additional one thousand dollar exclusion from gross income for amounts received from a federal employee retirement program.

Referred to **Senior Citizens Affairs Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 299, Committee Substitute No. 2 for **H. B. 299**, a bill to amend Chapter 93D of the General Statutes relating to hearing aid dealers and fitters.

Referred to **State Government Committee**.

H. B. 309, a bill to change retirement benefits of the North Wilkesboro Supplementary Pension Fund.

Referred to **Pensions and Retirement Committee**.

H. B. 363, Committee Substitute for **H. B. 363**, a bill to authorize the Department of Revenue to give information obtained by it to county and municipal tax collectors to assist them in collecting county and municipal taxes.

Referred to **Finance Committee**.

H. B. 413, a bill to enable the Wastewater Treatment Plant Operators Certification Commission to assess additional fees for the late payment of annual fees and to establish mailing list fees.

Referred to **Finance Committee**.

H. B. 499, Committee Substitute for **H. B. 499**, a bill to raise the State minimum wage.

Referred to **Manufacturing, Labor and Commerce Committee**.

H. B. 515, a bill to allow counties and cities to offer group health benefits to retired employees.

Referred to **Pensions and Retirement Committee**.

H. B. 521, a bill to require county boards of elections to cause voting machines and automatic vote counters to be examined prior to their use in an election.

Referred to **Election Laws Committee**.

H. B. 523, Committee Substitute for **H. B. 523**, a bill to rewrite the statutory provision pertaining to damages recoverable from parents for a minor's injury to person or property.

Referred to **Judiciary II Committee**.

H. B. 611, a bill to revise the penalties for desecration of cemeteries and graves, as recommended by the Abandoned Cemeteries Study Committee.

Referred to **Judiciary II Committee**.

H. B. 653, a bill to rewrite G. S. 113-36 relating to the proceeds from the sale of materials from the State forests.

Referred to **Natural and Economic Resources and Wildlife Committee**.

H. B. 700, a bill to authorize the Wildlife Resources Commission to regulate the harvesting of foxes by firearms and trapping under certain conditions in Sampson County.

Referred to **Natural and Economic Resources and Wildlife Committee**.

H. B. 719, a bill to amend the North Carolina Securities Act to provide an alternative method of registering securities dealers and salesmen and to make other changes.

Referred to **State Government Committee**.

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H. J. R. 860, a joint resolution authorizing a study of the State's housing programs.
Referred to **Rules and Operation of the Senate Committee**.

H. J. R. 863, a joint resolution to express the deepest concern of the General Assembly over the recent murders of Black children in Atlanta, Georgia.

Referred to **Rules and Operation of the Senate Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 291, a bill to amend Article 26 of Chapter 130 of the General Statutes relating to ambulance service, as amended, upon third reading.

On motion of Senator Harris, consideration of the bill, as amended, is postponed until Thursday, April 30.

S. B. 323, a bill to authorize any judge or justice of the General Court of Justice to perform wedding ceremonies.

Senator Barnes offers Amendment No. 1 which is adopted.

Senator Swain, seconded by Senator Jenkins, moves that the bill do lie upon the table, which motion fails to prevail.

The bill, as amended, passes its second reading.

On objection of Senator Barnes to its third reading the bill, as amended, remains on the Calendar for further consideration.

S. B. 332, Committee Substitute for **S. B. 332**, a bill to eliminate the application and deferral requirements from the ad valorem taxation of historic property.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 413, a bill relating to insurance premium financing.

Without objection, the following Senators are excused from voting for the stated reasons:

Senator Kincaid: "direct conflict of interest."

Senator Rauch: "Personal Financial Holdings."

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 417, a bill to make technical changes to Chapter 116B regarding escheats and abandoned property, upon second reading.

Senator Johnson offers Amendment No. 1 which is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 46.

The bill, as amended, remains on the Calendar upon third reading.

S. J. R. 427, a joint resolution authorizing the Legislative Research Commission to study the laws of charitable solicitation.

The joint resolution passes its second and third readings.

Senator Royall moves that the vote by which the joint resolution passed its third reading be reconsidered, which motion prevails.

Senator Royall moves that the vote by which the joint resolution passed its second reading be reconsidered, which motion prevails.

On motion of Senator Royall, the joint resolution is re-referred to the **Appropriations Committee**.

S. B. 433, a bill to provide lifetime licenses for hunting and fishing and to create and maintain a Wildlife Endowment Fund with the proceeds.

On motion of Senator Duncan, the bill is recommitted to the **Finance Committee**.

H. J. R. 732, a joint resolution urging the United States Department of Agriculture to change the date on which it accepts bids for buying apples.

Senator Thomas of Henderson offers Amendment No. 1 which is adopted.

The joint resolution, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 226, an act to provide for the Department of Natural Resources and Community Development to charge admission fees to the North Carolina Zoological Park.

S. B. 262, an act regarding confiscation and disposition of deadly weapons in Cumberland County.

S. B. 311, an act to allocate all of the State ceiling for tax exempt mortgage subsidy bonds to the North Carolina Housing Finance Agency.

H. B. 425, an act to modify the powers and duties of Cabarrus Memorial Hospital.

On motion of Senator Lawing, seconded by Senator Mills, the Senate adjourns to meet tomorrow at 1:30 P.M.

SEVENTY-FIFTH DAY

SENATE CHAMBER,
Wednesday, April 29, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, we pray today for a spirit of cooperation, peace and openness among us. When choices are difficult, it is easy for us to fall into disagreement and meaningless rhetoric. Protect us, O Lord, from hardening of the categories. Keep us open to the leading of Your spirit that we may choose wisely; neither falling too easily into old patterns because they are comfortable nor striking out on new pathways merely

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because they seem exciting. In all things, remind us of Your constant presence as a source of wisdom always available to us, if we will but ask. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senators Boger and Redman for today.

RECONSIDERATION

H. J. R. 732, a joint resolution urging the United States Department of Agriculture to change the date on which it accepts bids for buying apples.

Senator Thomas of Henderson moves that the vote by which the joint resolution, as amended, passed its third reading be reconsidered, which motion prevails.

The joint resolution, as amended, is returned from the Clerk's Office and placed on the Calendar for today, upon third reading.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Noble for the **Alcoholic Beverage Control Committee**:

H. B. 327, a bill to increase the number of members on the Mecklenburg County Alcoholic Control Board from three to five, with a favorable report, as amended.

H. B. 550, a bill to change the distribution of profits of the High Point ABC Board, with a favorable report.

H. B. 615, a bill to change the distribution of profits of the Tryon ABC Board, with a favorable report.

H. B. 681, a bill regarding beer sales in Ocean Isle Beach, with a favorable report.

H. B. 720, a bill regarding appointment of the Durham ABC Board, with a favorable report.

By Senator McDuffie for the **Election Laws Committee**:

S. B. 415, a bill to rewrite G. S. 163-112 to provide for the filling of vacancy due to death of a candidate occurring after the filing period closes and before the primary, with a favorable report, as amended.

H. B. 521, a bill to require county boards of elections to cause voting machines and automatic vote counters to be examined prior to their use in an election, with a favorable report.

H. B. 548, a bill to prohibit a county board of elections from making a recount when the State board has denied a recount, with a favorable report.

H. B. 616, a bill to establish the same deadline for one stop absentee voting and absentee voting by mail and to fix the beginning date for one stop voting, with a favorable report.

H. B. 841, a bill to clarify the procedure for removing the names from the registration records of persons who have moved to another county or state or who have died and to remove obsolete references, with a favorable report.

By Senator Duncan for the **Finance Committee**:

S. B. 348, a bill to allow the Department of Agriculture to continue to impose fees or charges in compliance with G. S. 12-3.1, with a favorable report, as amended.

S. B. 370, a bill to amend the North Carolina Fertilizer Law, Chapter 106, Article 56 of the General Statutes, with a favorable report.

S. B. 371, Committee Substitute for **S. B. 371**, a bill to amend the North Carolina Agriculture Liming Materials and Landplaster Act, Article 8A of Chapter 106 of the General Statutes, with a favorable report.

S. B. 380, a bill to authorize the Department of Human Resources to charge rates and fees for services rendered to the public, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Duncan, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Duncan, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, May 1.

S. B. 404, a bill to amend Article 52 of Chapter 143 of the North Carolina General Statutes entitled "The North Carolina Pesticide Law of 1971", with a favorable report.

S. B. 433, a bill to provide lifetime licenses for hunting and fishing and to create and maintain a Wildlife Endowment Fund with the proceeds, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Duncan, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Duncan, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, May 4.

H. B. 440, a bill to establish the fee for execution of passport application by clerks of superior court, with a favorable report.

H. B. 574, a bill to allow the Town of Kenansville to increase the tax levy on motor vehicles to a maximum of five dollars, with a favorable report.

H. B. 601, a bill to allow the Town of Enfield to collect a tax of not more than three dollars on motor vehicles, with a favorable report.

H. B. 660, a bill to permit the Town of Bethel to impose a tax on automobiles of three dollars, with a favorable report.

H. B. 665, a bill to permit all cities and towns in Dare County to collect automobile tax of an amount not to exceed five dollars, with a favorable report.

By Senator Mathis for the **Insurance Committee**:

H. B. 769, a bill to authorize insurance companies to make loans to officers on an equal basis as loans to other employees, with a favorable report.

By Senator Allsbrook for the **Judiciary I Committee**:

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S. B. 451, a bill concerning pre-abortion requirements, with favorable report, as amended.

By Senator Raynor for the **Law Enforcement and Crime Control Committee**:

S. B. 128, a bill to prohibit the manufacture, delivery, sale, possession and use of drug paraphernalia, with a favorable report, as amended.

On motion of Senator Raynor, the bill is placed on the Calendar for Tuesday, May 5.

S. B. 448, a bill to allow the North Carolina State Highway Patrol and the North Carolina Department of Correction to sell, trade or otherwise dispose of guns and to retain the proceeds or property obtained by such disposal, with a favorable report.

H. B. 788, a bill to delete references to local health or social services departments in Statutes dealing with prison inmates, with a favorable report.

H. B. 866, a bill to repeal an obsolete provision of the General Statutes relating to pardon of prisoners, with a favorable report.

By Senator Marion for the **Local Government and Regional Affairs Committee**:

S. B. 428, a bill to annex a described area to the Town of Aberdeen in Moore County, with a favorable report.

S. B. 429, a bill to revise the Charter of the Town of Liberty, with a favorable report.

S. B. 445, a bill to assign all registered voters residing in the Oak Grove community of Cleveland County to Bethware Precinct for the purpose of voting, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Marion, the rules are suspended and the Committee Substitute bill which changes the title to read **S. B. 445**, Committee Substitute bill for **S. B. 445**, a bill to allow Cleveland County to establish voting precincts without regard to Township Boundaries is placed before the Senate for immediate consideration.

On motion of Senator Marion, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, May 1.

H. B. 375, Committee Substitute for **H. B. 375**, a bill to amend the Charter of the City of Winston-Salem, relating to Uptown Development Projects, with a favorable report.

H. B. 525, a bill relating to prima facie rule of evidence for enforcement of parking regulations in the Town of Fremont and in the City of Goldsboro, with a favorable report.

H. B. 556, a bill to allow Mecklenburg County to enact ordinances providing for fair housing opportunities in Mecklenburg County, with a favorable report.

H. B. 558, a bill to allow Mecklenburg County to assign any or all of the duties of the board of adjustment to a planning agency, with a favorable report.

H. B. 582, a bill to confirm the corporate limits and ratify actions of the City of Bakersville in Mitchell County, with a favorable report.

H. B. 606, a bill authorizing the Town of Garner to receive and accept funds provided by a developer to the Town for acquisition of recreational land and validating prior acceptance by the Town of funds provided by developers in lieu of dedication of land for park, recreation, or open space sites, with a favorable report.

H. B. 645, a bill to incorporate the Town of Robinwood in Gaston County, subject to a referendum, with a favorable report.

H. B. 649, a bill to extinguish ancient subsurface oil, gas or mineral interests in land in Alleghany County, with a favorable report, as amended.

H. B. 658, a bill to amend the Charter of the Town of Kill Devil Hills to provide for four-year staggered terms for the mayor and board of commissioners, and to provide for the council-manager form of government, with a favorable report.

H. B. 682, a bill to allow the Town of Holden Beach to hold certain street assessments in abeyance, with a favorable report.

H. B. 686, a bill authorizing the Town of Ocean Isle Beach to assess for navigation projects, including dredging and bulkheading of canals, with a favorable report.

H. B. 691, a bill to allow cities and towns in Dare County to make street improvements and assess without petition, with a favorable report.

H. B. 716, a bill to revise and consolidate the Charter of the Town of Jamestown and to repeal prior local acts, with a favorable report.

H. B. 727, a bill to make revisions in the Charter of the Town of Edenton, with a favorable report.

H. B. 728, a bill to amend the Charter of the City of Washington to allow historic district, historic properties and building inspections jurisdiction between one and one and one-half miles from the City limits, with a favorable report.

By Senator Jenkins for the **Pensions and Retirement Committee**:

S. B. 314, a bill to increase payments from the Supplemental Retirement Fund for firemen in the City of Hickory and to allow expenses to be paid from the fund, with a favorable report.

S. B. 333, a bill to provide a supplemental retirement fund for firemen in the City of Hendersonville and to make G. S. 118-5, G. S. 118-6, and G. S. 118-7 apply to the City of Hendersonville, with a favorable report.

H. B. 177, a bill to provide a supplemental retirement fund for firemen in the Town of Lillington, with a favorable report.

H. B. 240, a bill to provide a supplemental retirement fund for firemen in the Town of Edenton, with a favorable report.

H. B. 309, a bill to change retirement benefits of the North Wilkesboro Supplementary Pension Fund, with a favorable report.

H. B. 338, Committee Substitute for **H. B. 338**, a bill to provide a supplemental retirement fund for firemen in the Town of Waynesville and to modify the application of G. S. 118-5, G. S. 118-6, and G. S. 118-7 to the Town of Waynesville, with a favorable report.

H. B. 537, a bill to shorten the waiting period for retirement refund in the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System, with a favorable report, as amended.

H. B. 553, a bill to extend to volunteer firemen supplemental retirement benefits in the City of Lenoir, with a favorable report.

H. B. 602, a bill to provide a Supplemental Retirement Fund for firemen in the City of Belhaven, with a favorable report.

H. B. 687, a bill to amend Chapter 363 of the 1969 Session Laws concerning the retirement fund for firemen in the City of Newton, with a favorable report.

By Senator Barnes for the **State Government Committee**:

S. B. 365, a bill to require information obtained from an insurer insuring teachers and State employees to be held confidential and exempt from the Public Records Act, with a favorable report.

S. B. 400, a bill to limit the authority of occupational licensing boards to disqualify persons from licensing, with a favorable report.

S. B. 452, a bill to amend certain portions of the General Statutes concerning historic districts and historic properties commissions, with a favorable report, as amended.

S. B. 453, a bill to allow sale of historic properties by cities and counties, with a favorable report.

H. B. 250, Committee Substitute for **H. B. 250**, a bill to provide for auxiliary services at the North Carolina Museum of Art, with a favorable report.

H. B. 451, a bill to repeal the requirement of G. S. 147-59 that state warrants be presented for payment within sixty days, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Kincaid and Baker:

S. B. 489, a bill to provide an additional district court judge in the Twenty-fourth Judicial District.

Referred to **Courts and Judicial Districts and Criminal Justice Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. J. R. 42, a joint resolution recognizing china painting as a fine art and declaring May as North Carolina Porcelain Art Month, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow, April 30.

H. B. 555, Committee Substitute for **H. B. 555**, a bill to permit fox trapping under certain conditions in Gates and Northampton Counties.

Referred to **Natural and Economic Resources and Wildlife Committee**.

H. B. 666, Committee Substitute for **H. B. 666**, a bill to permit fox trapping under certain conditions in Tyrrell County.

Referred to **Natural and Economic Resources and Wildlife Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

(Senator Lawing presides over a portion of today's Session.)

S. B. 86, a bill to provide for the revocation of driver's license for failure to appear in court, upon third reading.

Senator Jenkins offers Amendment No. 1 which is adopted changing the title of the bill to read **S. B. 86**, a bill to provide for the denial of renewals of driver's license for failure to appear in court.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives.

S. B. 91, a bill to rewrite the meat market law.

On motion of Senator Hardison, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 250, Committee Substitute for **S. B. 250**, a bill to provide for a more effective review of administrative rules, and to make permanent the Legislative Research Commission's Administrative Rules Review Committee, upon third reading.

The Committee Substitute bill passes its third reading and is ordered sent to the House of Representatives.

S. B. 322, a bill stating that certain school employees who, in good faith, report drug and alcohol abuse shall not be liable for civil damages.

On motion of Senator Jernigan, consideration of the bill is postponed until Thursday, April 30.

S. B. 323, a bill to authorize any judge or justice of the General Court of Justice to perform wedding ceremonies, as amended, upon third reading.

Senator Swain offers Amendment No. 2 to amend Amendment No. 1. Amendment No. 2 is adopted.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives.

S. B. 410, a bill to rewrite the liquefied petroleum gases safety law.

Without objection, the President directs that the bill be recommitted to the **Public Utilities Committee**.

S. B. 414, a bill to amend the General Statutes relating to rural fire protection districts, upon second reading.

Senator McDuffie offers Amendment No. 1 which is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 47, noes 1, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 47.

Voting in the negative: Senator Barnes — 1.

The bill, as amended, remains on the Calendar upon third reading.

April 29, 1981

S. B. 417, a bill to make technical changes to Chapter 116B regarding escheats and abandoned property, as amended, upon third reading.

The bill passes its third reading by roll-call vote, ayes 43, noes 1, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Baker, Ballenger, Barnes, Cavanagh, Clarke, Cockerham, Creech, Frye, Garrison, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 43.

Voting in the negative: Senator Allred — 1.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

H. B. 381, a bill to amend Chapter 87, Article 2, of the General Statutes, relating to plumbing, heating and air conditioning contractors, upon second reading.

On motion of Senator Soles, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 48.

The bill, as amended, remains on the Calendar upon third reading.

H. B. 536, a bill to require consent of the Board of County Commissioners before land in Brunswick or Pender County may be condemned or acquired by a unit of local government outside the County, upon third reading.

Senator Wright moves that the bill be re-referred to a judiciary committee.

Senator Soles, seconded by Senator Harrington, moves that the motion to re-refer do lie upon the table.

Senator Wright offers a substitute motion that the Senate do now adjourn, which motion fails to prevail.

Senator Kincaid calls for the “ayes” and “noes” on the motion to table the motion to re-refer the bill to a judiciary committee. The call is sustained.

The motion to table the motion to re-refer the bill to a judiciary committee prevails, by the following roll-call vote, ayes 36, noes 11:

Voting in the affirmative: Senators Alford, Clarke, Creech, Daniels, Duncan, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Royall, Soles, Speed, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wynne — 36.

Voting in the negative: Senators Allred, Allsbrook, Baker, Ballenger, Barnes, Cavanagh, Cockerham, Frye, Kincaid, Smith, and Wright — 11.

Senator Wright offers Amendment No. 1. Senator Soles calls the previous question, duly seconded. The call is sustained. Amendment No. 1 fails of adoption.

The bill passes its third reading by roll-call vote, ayes 37, noes 9, as follows:

Voting in the affirmative: Senators Alford, Clarke, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Royall,

Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wynne — 37.

Voting in the negative: Senators Allred, Allsbrook, Baker, Ballenger, Barnes, Cavanagh, Cockerham, Kincaid, and Wright — 9.

The bill is ordered enrolled.

H. B. 547, a bill to provide that certain additional ancient mineral claims are extinguished in certain counties; and that certain oil, gas and mineral interests are to be recorded in such counties.

On motion of Senator Soles, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 669, a bill to allow housing authority tenants to serve as Authority commissioners.

On motion of Senator Hancock, consideration of the bill is postponed until Tuesday, May 5.

H. J. R. 732, a joint resolution urging the United States Department of Agriculture to change the date on which it accepts bids for buying apples, as amended, upon third reading.

Senator Thomas of Henderson offers Amendment No. 2 which is adopted.

The bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

H. B. 805, a bill to repeal certain articles of Chapter 106 dealing with agriculture, which have been superseded by other laws.

The bill passes its second and third readings and is ordered enrolled.

On motion of Senator Lawing, seconded by Senator Harris, the Senate adjourns to meet tomorrow at 1:30 P.M.

SEVENTY-SIXTH DAY

SENATE CHAMBER,

Thursday, April 30, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, we give thanks today for the evidence of Your Spirit among us. We confess that if left to our own devices we fall short of Your expectations of us, pursuing our own selfish interests and paying little attention to the rights and needs of others. We thank You that we have made gains in compassion and justice, showing a lively concern for our brothers and sisters. Confirm in us that better part of our nature, and increase Your hold on our lives, that we may honor Your name in all that we do. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence for today and tomorrow, May 1, to Senator Rauch and to Senator Marvin, who are attending a meeting of the Arts Committee of the National Conference of State Legislatures, and to Senators Mathis and Frye for tomorrow, May 1.

The President extends courtesies of the gallery to Mrs. Joseph Leonard Bright, widow of former Representative Bright and to his family and friends.

APPOINTMENTS BY THE GOVERNOR

The President directs the Reading Clerk to read the following message from the Governor:

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
Raleigh 27611
April 29, 1981

The Honorable James C. Green
President of the Senate
Legislative Building
Raleigh, North Carolina

Re: Board of Trustees of the Teachers'
and State Employees' Retirement
System

Dear Mr. President:

Pursuant to G. S. 135-6(b)(3), I am submitting to the Senate the names of the persons listed below whom I am recommending for appointment to the Board of Trustees of the Teachers' and State Employees' Retirement System.

1. Mr. William C. Covington of Mecklenburg County for a term expiring April 4, 1984. (representing neither teacher nor state employee)
2. Honorable T. Clyde Auman of Moore County for a term expiring April 4, 1984. (representing neither teacher nor state employee)
3. Floyd J. Bass of Wake County to be reappointed for a term expiring July 1, 1984. (representing neither teacher nor state employee)

Sincerely,
S/ JAMES B. HUNT, JR.
Governor of North Carolina

Notification of these appointments is referred to the **Pensions and Retirement Committee**.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Mills for the **Banking Committee**:

S. B. 479, a bill to amend G. S. 24-11 relating to revolving credit, with a favorable report, as amended.

April 30, 1981

By Senator McDuffie for the **Election Laws Committee**:

H. B. 319, Committee Substitute for **H. B. 319**, a bill to authorize boards of elections to hold executive sessions after public hearings, with an unfavorable report as to House Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator McDuffie, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator McDuffie, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, May 4.

By Senator Allsbrook for the **Judiciary I Committee**:

S. B. 220, Committee Substitute for **S. B. 220**, a bill to waive the governmental immunity of local governments in tort and to require them to respond in damages up to one hundred thousand dollars, with an unfavorable report as to Committee Substitute bill No. 1, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Allsbrook, the rules are suspended and the Committee Substitute bill No. 2 is placed before the Senate for immediate consideration.

On motion of Senator Allsbrook, Committee Substitute bill No. 2 is adopted, and on his further motion is placed on the Calendar for Monday, May 4.

By Senator Soles for the **Judiciary II Committee**:

H. B. 73, Committee Substitute for **H. B. 73**, a bill to amend G. S. 50-13.4 to make the father and the mother primarily liable for support, with a favorable report, as amended.

On motion of Senator Soles, the Committee Substitute bill is placed on the Calendar for Tuesday, May 5.

H. B. 165, Committee Substitute for **H. B. 165**, a bill concerning Department of Social Services investigations of abuse and neglect, with a favorable report.

On motion of Senator Soles, the Committee Substitute bill is placed on the Calendar for Tuesday, May 5.

H. B. 523, Committee Substitute for **H. B. 523**, a bill to rewrite the statutory provision pertaining to damages recoverable from parents for a minor's injury to person or property, with a favorable report, as amended.

On motion of Senator Soles, the Committee Substitute bill is placed on the Calendar for Tuesday, May 5.

By Senator Lawing for the **Rules and Operations of the Senate Committee**:

S. J. R. 480, a joint resolution encouraging the Department of Correction to examine its policies and procedures as they may have impact upon the prison population, with a favorable report.

By Senator Palmer for the **Veterans and Military Affairs Committee**:

H. B. 644, a bill to allow maximum workers' compensation to National Guardsmen, with a favorable report.

On motion of Senator Palmer, the bill is re-referred to the **Appropriations Committee**.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate,

April 30, 1981

read the first time, and disposed of as follows:

By Senator Johnson:

S. B. 490, a bill to amend various sections of the General Statutes to establish exemption from the State Personnel System of certain local government employees.

Referred to **State Government Committee**.

By Senator Johnson:

S. B. 491, a bill adopting "North Carolina Everlasting" as the State anthem.

Referred to **State Government Committee**.

By Senator Wright:

S. B. 492, a bill to place a cap on the number of State employees within each department.

Referred to **State Government Committee**.

By Senators Johnson, Wynne, Creech, Marion, and Duncan:

S. J. R. 493, a joint resolution honoring the life and memory of Carlisle Wallace Higgins, a former member of the General Assembly and Associate Justice of the Supreme Court of North Carolina.

Referred to **Rules and Operation of the Senate Committee**.

By Senator Harris:

S. B. 494, a bill to appropriate funds for house parents and teacher aides at the North Carolina School for the Deaf at Morganton.

Referred to **Appropriations Committee**.

Senator Swain offers a motion that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion fails to prevail for lack of a two-thirds majority vote.

By Senator Swain:

S. B. 495, a bill to provide that Part 1 of the Annexation Law shall apply in Buncombe County and to prohibit annexations in Buncombe County under Parts 2 and 3 when a majority of the registered voters object by petition.

The bill remains on file in the Principal Clerk's Office.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. J. R. 580, a joint resolution honoring the life and memory of Joseph Leonard Bright, a former member of the North Carolina General Assembly.

On motion of Senator Hardison, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered enrolled.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

April 30, 1981

S. B. 207, a bill to clarify provisions regarding payment of medical expenses in occupational disease cases, for concurrence in House Amendment No. 2, which is placed on the Calendar for Monday, May 4.

H. B. 770, a bill to clarify nontestimonial identification procedures in juvenile cases. Referred to **Judiciary II Committee**.

H. B. 771, a bill to clarify Juvenile Code provisions relating to temporary custody. Referred to **Judiciary II Committee**.

H. B. 773, a bill to clarify the definition of juvenile. Referred to **Judiciary II Committee**.

H. B. 774, a bill to permit consent judgments in juvenile cases. Referred to **Judiciary II Committee**.

H. B. 844, a bill to permit certain individuals as adults to preserve legal residence conferred on them as minors in the context of residuary status for tuition purposes by reason of G. S. 116-143.1(j).

Referred to **Higher Education Committee**.

H. B. 864, a bill to allow a woman to resume her maiden name when she is divorced in another state.

Referred to **Judiciary II Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

(Senator Lawing presides over a portion of today's Session.)

S. J. R. 42, a joint resolution recognizing china painting as a fine art and declaring May as North Carolina Porcelain Art Month, for concurrence in House Amendment No. 1.

On motion of Senator Cockerham, the Senate concurs in House Amendment No. 1, which changes the title to read **S. J. R. 42**, a joint resolution honoring the lives and memories of Miss M. Lillian Bremer and Miss Lila Clare Newman by recognizing china painting as a fine art and declaring June as North Carolina Porcelain Art Month, and the joint resolution is ordered enrolled.

S. B. 291, a bill to amend Article 26 of Chapter 130 of the General Statutes relating to ambulance service, as amended, upon third reading.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives.

S. B. 314, a bill to increase payments from the Supplemental Retirement Fund for firemen in the City of Hickory and to allow expenses to be paid from the fund.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 322, a bill stating that certain school employees who, in good faith, report drug and alcohol abuse shall not be liable for civil damages.

Senator Cockerham offers Amendment No. 1 which is adopted.

Senator Jernigan offers Amendment No. 2 which is adopted.

The bill, as amended, passes its second reading.

Senator Jenkins offers Amendment No. 3 which is adopted.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives.

S. B. 333, a bill to provide a supplemental retirement fund for firemen in the City of Hendersonville and to make G. S. 118-5, G. S. 118-6, and G. S. 118-7 apply to the City of Hendersonville.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 348, a bill to allow the Department of Agriculture to continue to impose fees or charges in compliance with G. S. 12-3.1.

Senator Swain offers Committee Amendment No. 1 and moves its adoption.

Without objection, the Chair directs that the bill with pending Committee Amendment No. 1 be recommitted to the **Finance Committee**.

S. B. 365, a bill to require information obtained from an insurer insuring teachers and State employees to be held confidential and exempt from the Public Records Act.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 370, a bill to amend the North Carolina Fertilizer Law, Chapter 106, Article 56 of the General Statutes, as amended.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 371, Committee Substitute for **S. B. 371**, a bill to amend the North Carolina Agriculture Liming Materials and Landplaster Act, Article 8A of Chapter 106 of the General Statutes.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 400, a bill to limit the authority of occupational licensing boards to disqualify persons from licensing.

On motion of Senator Hancock, consideration of the bill is postponed until Friday, May 1.

S. B. 404, a bill to amend Article 52 of Chapter 143 of the North Carolina General Statutes entitled "The North Carolina Pesticide Law of 1971".

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 414, a bill to amend the General Statutes relating to rural fire protection districts, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 43, noes 1, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hardison, Harrington, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, McDuffie, Mills, Noble, Palmer, Raynor, Redman, Royall, Smith, Soles, Speed, Swain,

Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wright — 43.

Voting in the negative: Senator Barnes — 1.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S. B. 415, a bill to rewrite G. S. 163-112 to provide for the filling of vacancy due to death of a candidate occurring after the filing period closes and before the primary.

On motion of Senator McDuffie, Committee Amendments No. 1 and No. 2 are adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 428, a bill to annex a described area to the Town of Aberdeen in Moore County, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hardison, Harrington, Harris, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Palmer, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 42.

The bill remains on the Calendar upon third reading.

S. B. 429, a bill to revise the Charter of the Town of Liberty, upon second reading. The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hardison, Harrington, Harris, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Palmer, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 42.

The bill remains on the Calendar upon third reading.

S. B. 448, a bill to allow the North Carolina State Highway Patrol and the North Carolina Department of Correction to sell, trade or otherwise dispose of guns and to retain the proceeds or property obtained by such disposal.

The bill passes its second reading.

On objection of Senator Hardison to its third reading, the bill remains on the Calendar for further consideration.

S. B. 451, a bill concerning pre-abortion requirements.

On motion of Senator Harris, Committee Amendment No. 1 is adopted.

Senator Harris offers Amendment No. 2 which is adopted.

Senator Vickery offers Amendment No. 3. Senator Harris calls the previous question, duly seconded. The call is sustained. Amendment No. 3 fails of adoption.

Senator Vickery offers Amendment No. 4. Senator Vickery calls the previous question, duly seconded. The call is sustained. Amendment No. 4 fails of adoption.

Senator Vickery offers Amendment No. 5 which is adopted.

Pursuant to Rule 42.1, Senator Mathis requests a fiscal note be prepared. The Chair rules that a fiscal note be prepared.

The bill, as amended, remains on the Calendar for Monday, May 4, for further consideration.

S. B. 452, a bill to amend certain portions of the General Statutes concerning historic districts and historic properties commissions.

On motion of Senator Barnes, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 453, a bill to allow sale of historic properties by cities and counties.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H. B. 177, a bill to provide a supplemental retirement fund for firemen in the Town of Lillington.

The bill passes its second and third readings and is ordered enrolled.

H. B. 240, a bill to provide a supplemental retirement fund for firemen in the Town of Edenton.

The bill passes its second and third readings and is ordered enrolled.

H. B. 250, Committee Substitute for **H. B. 250**, a bill to provide for auxiliary services at the North Carolina Museum of Art.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 309, a bill to change retirement benefits of the North Wilkesboro Supplementary Pension Fund.

The bill passes its second and third readings and is ordered enrolled.

H. B. 327, a bill to increase the number of members on the Mecklenburg County Alcoholic Control Board from three to five.

On motion of Senator Lawing, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 338, Committee Substitute for **H. B. 338**, a bill to provide a supplemental retirement fund for firemen in the Town of Waynesville and to modify the application of G. S. 118-5, G. S. 118-6, and G. S. 118-7 to the Town of Waynesville.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 375, Committee Substitute for **H. B. 375**, a bill to amend the Charter of the City of Winston-Salem, relating to Uptown Development Projects.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 381, a bill to amend Chapter 87, Article 2, of the General Statutes, relating to plumbing, heating and air conditioning contractors, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garri-son, Gray, Hardison, Harrington, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, McDuffie, Mills, Noble, Palmer, Raynor, Redman, Royall, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 44.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 440, a bill to establish the fee for execution of passport application by clerks of superior court, upon second reading.

The bill passes its second reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Mathis, McDuffie, Mills, Noble, Palmer, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 48.

The bill remains on the Calendar upon third reading.

H. B. 451, a bill to repeal the requirement of G. S. 147-59 that state warrants be presented for payment within sixty days.

The bill passes its second and third readings and is ordered enrolled.

H. B. 521, a bill to require county boards of elections to cause voting machines and automatic vote counters to be examined prior to their use in an election.

The bill passes its second and third readings and is ordered enrolled.

H. B. 525, a bill relating to prima facie rule of evidence for enforcement of parking regulations in the Town of Fremont and in the City of Goldsboro, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hardison, Harrington, Harris, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Palmer, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 42.

The bill remains on the Calendar upon third reading.

H. B. 537, a bill to shorten the waiting period for retirement refund in the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System.

On motion of Senator Jenkins, Committee Amendment No. 1 is adopted, and on his further motion the bill, as amended, is re-referred to the **Ways and Means Committee**.

H. B. 548, a bill to prohibit a county board of elections from making a recount when the State board has denied a recount.

The bill passes its second and third readings and is ordered enrolled.

H. B. 550, a bill to change the distribution of profits of the High Point ABC Board.

The bill passes its second and third readings and is ordered enrolled.

H. B. 553, a bill to extend to volunteer firemen supplemental retirement benefits in the City of Lenoir.

The bill passes its second and third readings and is ordered enrolled.

H. B. 556, a bill to allow Mecklenburg County to enact ordinances providing for fair housing opportunities in Mecklenburg County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 558, a bill to allow Mecklenburg County to assign any or all of the duties of the board of adjustment to a planning agency.

The bill passes its second and third readings and is ordered enrolled.

H. B. 574, a bill to allow the Town of Kenansville to increase the tax levy on motor vehicles to a maximum of five dollars, upon second reading.

The bill passes its second reading by roll-call vote, ayes 39, noes 9, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Baker, Barnes, Clarke, Cockerham, Creech, Daniels, Duncan, Garrison, Gray, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Mathis, McDuffie, Mills, Noble, Palmer, Raynor, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wynne — 39.

Voting in the negative: Senators Allred, Ballenger, Boger, Cavanagh, Frye, Hancock, Redman, Royall, and Wright — 9.

The bill remains on the Calendar upon third reading.

H. B. 582, a bill to confirm the corporate limits and ratify actions of the City of Bakersville in Mitchell County, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hardison, Harrington, Harris, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Palmer, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 42.

The bill remains on the Calendar upon third reading.

H. B. 601, a bill to allow the Town of Enfield to collect a tax of not more than three dollars on motor vehicles, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 5, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, McDuffie, Mills, Noble, Palmer, Raynor, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, White, Wright, and Wynne — 42.

Voting in the negative: Senators Cockerham, Hancock, Redman, Royall, and Warren — 5.

The bill remains on the Calendar upon third reading.

H. B. 602, a bill to provide a Supplemental Retirement Fund for firemen in the City of Belhaven.

The bill passes its second and third reading and is ordered enrolled.

H. B. 606, a bill authorizing the Town of Garner to receive and accept funds provided by a developer to the Town for acquisition of recreational land and validating prior acceptance by the Town of funds provided by developers in lieu of dedication of land for park, recreation, or open space sites, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hardison, Harrington, Harris, Jenkins, Johnson, Jordan, Kincaid, Lawing,

Marion, Palmer, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 42.

The bill remains on the Calendar upon third reading.

H. B. 615, a bill to change the distribution of profits of the Tryon ABC Board.

The bill passes its second and third readings and is ordered enrolled.

H. B. 616, a bill to establish the same deadline for one stop absentee voting and absentee voting by mail and to fix the beginning date for one stop voting.

The bill passes its second and third readings and is ordered enrolled.

H. B. 645, a bill to incorporate the Town of Robinwood in Gaston County, subject to a referendum, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hardison, Harrington, Harris, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Palmer, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 42.

The bill remains on the Calendar upon third reading.

H. B. 649, a bill to extinguish ancient subsurface oil, gas or mineral interests in land in Alleghany County.

On motion of Senator Marion, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 658, a bill to amend the Charter of the Town of Kill Devil Hills to provide for four-year staggered terms for the mayor and board of commissioners, and to provide for the council-manager form of government.

The bill passes its second and third readings and is ordered enrolled.

H. B. 660, a bill to permit the Town of Bethel to impose a tax on automobiles of three dollars, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 5, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, McDuffie, Mills, Noble, Palmer, Raynor, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, White, Wright, and Wynne — 42.

Voting in the negative: Senators Cockerham, Hancock, Redman, Royall, and Warren — 5.

The bill remains on the Calendar upon third reading.

H. B. 665, a bill to permit all cities and towns in Dare County to collect automobile tax of an amount not to exceed five dollars, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 5, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing,

Marion, McDuffie, Mills, Noble, Palmer, Raynor, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, White, Wright, and Wynne — 42.

Voting in the negative: Senators Cockerham, Hancock, Redman, Royall, and Warren — 5.

The bill remains on the Calendar upon third reading.

H. B. 681, a bill regarding beer sales in Ocean Isle Beach.

The bill passes its second and third readings and is ordered enrolled.

Senator Marion requests to be recorded voting "no."

H. B. 682, a bill to allow the Town of Holden Beach to hold certain street assessments in abeyance, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garri-son, Gray, Hardison, Harrington, Harris, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Palmer, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 42.

On motion of Senator Jordan, the bill remains on the Calendar for Tuesday, May 5, upon third reading.

H. B. 686, a bill authorizing the Town of Ocean Isle Beach to assess for navigation projects, including dredging and bulkheading of canals, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garri-son, Gray, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, McDuffie, Mills, Noble, Palmer, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 46.

The bill remains on the Calendar upon third reading.

H. B. 687, a bill to amend Chapter 363 of the 1969 Session Laws concerning the retirement fund for firemen in the City of Newton.

The bill passes its second and third readings and is ordered enrolled.

H. B. 691, a bill to allow cities and towns in Dare County to make street improve-ments and assess without petition, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garri-son, Gray, Hardison, Harrington, Harris, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Palmer, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 42.

The bill remains on the Calendar upon third reading.

H. B. 716, a bill to revise and consolidate the Charter of the Town of Jamestown and to repeal prior local acts, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hardison, Harrington, Harris, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Palmer, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 42.

On motion of Senator Frye, the bill remains on the Calendar for Tuesday, May 5, upon third reading.

H. B. 720, a bill regarding appointment of the Durham ABC Board.

The bill passes its second and third readings and is ordered enrolled.

H. B. 727, a bill to make revisions in the Charter of the Town of Edenton, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hardison, Harrington, Harris, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Palmer, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 42.

The bill remains on the Calendar upon third reading.

H. B. 728, a bill to amend the Charter of the City of Washington to allow historic district, historic properties and building inspections jurisdiction between one and one-half miles from the City limits, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hardison, Harrington, Harris, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Palmer, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 42.

The bill remains on the Calendar upon third reading.

H. B. 769, a bill to authorize insurance companies to make loans to officers on an equal basis as loans to other employees.

The bill passes its second and third readings and is ordered enrolled.

H. B. 788, a bill to delete references to local health or social services departments in Statutes dealing with prison inmates.

The bill passes its second and third readings and is ordered enrolled.

H. B. 841, a bill to clarify the procedure for removing the names from the registration records of persons who have moved to another county or state or who have died and to remove obsolete references.

The bill passes its second and third readings and is ordered enrolled.

H. B. 866, a bill to repeal an obsolete provision of the General Statutes relating to pardon of prisoners.

The bill passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 88, an act to clarify the authority of local boards of health to impose fees.

H. B. 145, Committee Substitute for **H. B. 145**, an act to repeal Subchapter I of Chapter 54 of the General Statutes, relating to building and loan associations, building associations and savings and loan associations; and to repeal Chapter 54A of the General Statutes, relating to stock-owned savings and loan associations; and to enact a new Chapter 54B of the General Statutes to be entitled, "Savings and Loan Associations".

H. B. 536, an act to require consent of the Board of County Commissioners before land in Brunswick or Pender County may be condemned or acquired by a unit of local government outside the County.

H. B. 805, an act to repeal certain articles of Chapter 106 dealing with agriculture, which have been superceded by other laws.

On motion of Senator Lawing, seconded by Senator Alford, the Senate adjourns to meet tomorrow at 10:30 A.M.

SEVENTY-SEVENTH DAY

SENATE CHAMBER,
Friday, May 1, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"God Our Father, who calls us to unity and peace, we pray today for all Your children who live in daily fear because of the sounds and alarms of war. Help us, by Your spirit, to put away angers, jealousies, prides, and fears that separate us from each other, and to celebrate our common humanity as Your creatures. We pray especially for the people of Northern Ireland and the Middle East, that they may, at last, know a day without fear, without pain, without separation, without death. Cure our warring madness, Lord, and usher in the day of peace for the glory of Your Holy Name. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senators Jenkins, Kincaid, and Marvin for today and to Senator Thomas of Henderson for Monday, May 4. Leaves of absence granted previously to Senators Mathis, Frye, Marion, and Rauch are noted.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles,

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together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harris for the **Human Resources Committee**:

S. B. 383, a bill to make rulemaking and hearings provisions in human resources legislation consistent with the Administrative Procedure Act, with a favorable report.

H. B. 505, a bill to authorize transfer of institutionalized patients without notice only for emergency medical treatment, emergency evaluation or emergency surgery, with a favorable report.

By Senator Gray for the **Senior Citizens Affairs Committee**:

S. B. 488, a bill to provide low-income individuals an additional one thousand dollar exclusion from gross income for amounts received from a federal employee retirement program, with a favorable report.

On motion of Senator Gray, the bill is re-referred to the **Finance Committee**

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

Senator Clarke moves that the vote by which the motion to suspend Rule 41 failed to prevail on Thursday, April 30, be reconsidered, which motion prevails.

Senator Clarke moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Swain:

S. B. 495, a bill to provide that Part 1 of the Annexation Law shall apply in Buncombe County and to prohibit annexations in Buncombe County under Parts 2 and 3 when a majority of the registered voters object by petition.

Referred to **Local Government and Regional Affairs Committee**.

By Senators White, Daniels, Speed, Hardison, Soles, Warren, Harrington, Redman, and Cavanagh:

S. B. 496, a bill to restrict the acquisition of interests in North Carolina agricultural land by nonresident aliens.

Referred to **Agriculture Committee**.

Senator Gray moves that Rule 41 be suspended to allow the introduction and referral to committee of the following joint resolution, which motion prevails by a two-thirds majority vote.

By Senators Gray, Royall, Hancock, Jernigan, Garrison, Jordan, Ward, Mills, Marvin, Wynne, Creech, and Walker:

S. J. R. 497, a joint resolution directing the Legislative Research Commission to study the laws pertaining to the taxation of alcoholic beverages and the designation of revenues for alcoholism education, rehabilitation and research.

Referred to **Rules and Operation of the Senate Committee**.

By Senator Noble:

S. B. 498, a bill to appropriate funds for the Moss Neck Watershed.
Referred to **Appropriations Committee**.

By Senator Redman:

S. B. 499, a bill to abolish the personnel positions of all employees assigned to or serving from the Regional Education Centers.
Referred to **Ways and Means Committee**.

By Senator Vickery:

S. B. 500, a bill to amend Chapter 97 of the General Statutes to change the definition of injury by accident.
Referred to **Judiciary II Committee**.

By Senators Noble, Daniels, Speed, Vickery, Thomas of Craven, Clarke, White, Creech, Raynor, Alford, Jenkins, McDuffie, Ward, Harris, Marion, Barnes, Soles, Kincaid, Boger, Smith, and Mathis:

S. B. 501, a bill to appropriate funds for the Jacob Swamp Watershed, and to name the recreational area as the Senator Luther J. Britt, Jr., Memorial Greenway.
Referred to **Appropriations Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 403, a bill to mandate the accrual of interest on money judgments awarded in actions other than contract from the filing of the claims, for concurrence in House Amendment No. 1, No. 2, and No. 3, which is placed on the Calendar for Monday, May 4.

H. B. 565, a bill to amend the Charter of the City of Charlotte to provide certain provisions with respect to appointments to committees, boards, and commissions.
Referred to **Local Government and Regional Affairs Committee**.

H. B. 566, a bill to allow the City of Charlotte to designate a planning agency to perform some as well as all the duties of the Board of Adjustment.
Referred to **Local Government and Regional Affairs Committee**.

H. B. 567, a bill to authorize the Mayor and City Council of the City of Charlotte to share appointments of members to certain boards, commissions, and authorities.
Referred to **Local Government and Regional Affairs Committee**.

H. B. 570, a bill to amend the Charter of the City of Charlotte to provide a veto and a vote for the mayor in certain situations.
Referred to **Local Government and Regional Affairs Committee**.

H. B. 572, Committee Substitute No. 2 for **H. B. 572**, a bill requiring local boards of education to charge tuition.
Referred to **Veterans and Military Affairs Committee**.

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H. B. 670, a bill to allow the Town of Parkton to collect on motor vehicles a tax of not more than five dollars.

Referred to **Finance Committee**.

H. B. 712, a bill to increase the fee for arrest or personal service of criminal process to four dollars.

Referred to **Finance Committee**.

H. B. 752, a bill to clarify district court judges authority to issue secure and nonsecure custody orders.

Referred to **Judiciary II Committee**.

H. B. 775, Committee Substitute for **H. B. 775**, a bill to prohibit assaults and threats against general civil executive officers, the Speaker of the House, and the President Pro Tempore of the Senate.

Referred to **Judiciary II Committee**.

H. B. 779, a bill to amend G. S. Chapter 9 to facilitate the juror selection process.

Referred to **Judiciary II Committee**.

H. B. 812, a bill to provide that members of a nonprofit corporation as well as the board of directors may propose amendments to the corporation's charter.

Referred to **Small Business Committee**.

H. B. 843, a bill to repeal the termination date of Chapter 89A of the General Statutes relating to landscape architects.

Referred to **State Government Committee**.

H. B. 851, a bill to amend the North Carolina compulsory meat inspection law to conform to changes in federal law requiring certain humane methods of slaughter as a condition of granting meat inspection.

Referred to **Agriculture Committee**.

H. B. 852, a bill to clarify authority of existing milk inspection permit system.

Referred to **Agriculture Committee**.

H. B. 867, a bill to change the meeting dates of the Public Livestock Market Advisory Board.

Referred to **Agriculture Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 380, Committee Substitute for **S. B. 380**, a bill to authorize the Department of Human Resources to charge rates and fees for services rendered to the public.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 400, a bill to limit the authority of occupational licensing boards to disqualify persons from licensing.

Senator Hancock offers Amendment No. 1 which is adopted.

Senator Allsbrook offers Amendment No. 2 which is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

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S. B. 428, a bill to annex a described area to the Town of Aberdeen in Moore County, upon third reading.

The bill passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, McDuffie, Mills, Palmer, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wright — 39.

The bill is ordered sent to the House of Representatives.

S. B. 429, a bill to revise the Charter of the Town of Liberty, upon third reading.

The bill passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, McDuffie, Mills, Palmer, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wright — 39.

The bill is ordered sent to the House of Representatives.

S. B. 445, Committee Substitute for **S. B. 445**, a bill to allow Cleveland County to establish voting precincts without regard to township boundaries.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 448, a bill to allow the North Carolina State Highway Patrol and the North Carolina Department of Correction to sell, trade, or otherwise dispose of guns and to retain the proceeds or property obtained by such disposal, upon third reading.

On motion of Senator Raynor, the bill is recommitted to the **Law Enforcement and Crime Control Committee**.

S. B. 479, a bill to amend G. S. 24-11 relating to revolving credit.

On motion of Senator Mills, consideration of the bill is postponed until Tuesday, May 5.

S. J. R. 480, a joint resolution encouraging the Department of Correction to examine its policies and procedures as they may have impact upon the prison population.

The joint resolution passes its second and third readings and is ordered sent to the House of Representatives.

H. B. 440, a bill to establish the fee for execution of passport application by clerks of superior court, upon third reading.

The bill passes its third reading by roll-call vote, ayes 36, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Garrison, Gray, Hancock, Hardison, Harrington, Jernigan, Johnson, Jordan, Lawing, Mills, Palmer, Raynor, Redman, Smith, Speed, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wright — 36.

The bill is ordered enrolled.

H. B. 525, a bill relating to prima facie rule of evidence for enforcement of parking regulations in the Town of Fremont and in the City of Goldsboro, upon third reading.

The bill passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger,

Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, McDuffie, Mills, Palmer, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wright — 39.

The bill is ordered enrolled.

H. B. 574, a bill to allow the Town of Kenansville to increase the tax levy on motor vehicles to a maximum of five dollars, upon third reading.

The bill passes its third reading by roll-call vote, ayes 26, noes 10, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Barnes, Clarke, Creech, Daniels, Duncan, Garrison, Gray, Hardison, Harrington, Harris, Johnson, Jordan, Lawing, McDuffie, Mills, Palmer, Raynor, Speed, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, and White — 26.

Voting in the negative: Senators Allred, Baker, Ballenger, Boger, Cockerham, Hancock, Redman, Smith, Warren, and Wright — 10.

The bill is ordered enrolled.

H. B. 582, a bill to confirm the corporate limits and ratify actions of the City of Bakersville in Mitchell County, upon third reading.

The bill passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, McDuffie, Mills, Palmer, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wright — 39.

The bill is ordered enrolled.

H. B. 601, a bill to allow the Town of Enfield to collect a tax of not more than three dollars on motor vehicles, upon third reading.

The bill passes its third reading by roll-call vote, ayes 25, noes 8, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Clarke, Creech, Daniels, Duncan, Garrison, Gray, Hardison, Harrington, Jernigan, Johnson, Jordan, McDuffie, Mills, Raynor, Smith, Speed, Thomas of Henderson, Vickery, Ward, White, and Wright — 25.

Voting in the negative: Senators Boger, Cavanagh, Hancock, Redman, Royall, Thomas of Craven, Walker, and Warren — 8.

The bill is ordered enrolled.

H. B. 606, a bill authorizing the Town of Garner to receive and accept funds provided by a developer to the Town for acquisition of recreational land and validating prior acceptance by the Town of funds provided by developers in lieu of dedication of land for park, recreation, or open space sites, upon third reading.

The bill passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, McDuffie, Mills, Palmer, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wright — 39.

The bill is ordered enrolled.

H. B. 645, a bill to incorporate the Town of Robinwood in Gaston County, subject to a

referendum, upon third reading.

The bill passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, McDuffie, Mills, Palmer, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wright — 39.

The bill is ordered enrolled.

H. B. 660, a bill to permit the Town of Bethel to impose a tax on automobiles of three dollars, upon third reading.

The bill passes its third reading by roll-call vote, ayes 25, noes 8, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Clarke, Creech, Daniels, Duncan, Garrison, Gray, Hardison, Harrington, Jernigan, Johnson, Jordan, McDuffie, Mills, Raynor, Smith, Speed, Thomas of Henderson, Vickery, Ward, White, and Wright — 25.

Voting in the negative: Senators Boger, Cavanagh, Hancock, Redman, Royall, Thomas of Craven, Walker, and Warren — 8.

The bill is ordered enrolled.

H. B. 665, a bill to permit all cities and towns in Dare County to collect automobile tax of an amount not to exceed five dollars, upon third reading.

The bill passes its third reading by roll-call vote, ayes 25, noes 8, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Clarke, Creech, Daniels, Duncan, Garrison, Gray, Hardison, Harrington, Jernigan, Johnson, Jordan, McDuffie, Mills, Raynor, Smith, Speed, Thomas of Henderson, Vickery, Ward, White, and Wright — 25.

Voting in the negative: Senators Boger, Cavanagh, Hancock, Redman, Royall, Thomas of Craven, Walker, and Warren — 8.

The bill is ordered enrolled.

H. B. 686, a bill authorizing the Town of Ocean Isle Beach to assess for navigation projects, including dredging and bulkheading of canals, upon third reading.

The bill passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, McDuffie, Mills, Palmer, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wright — 39.

The bill is ordered enrolled.

H. B. 691, a bill to allow cities and towns in Dare County to make street improvements and assess without petition, upon third reading.

The bill passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, McDuffie, Mills, Palmer, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wright — 39.

The bill is ordered enrolled.

H. B. 727, a bill to make revisions in the Charter of the Town of Edenton, upon third reading.

The bill passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, McDuffie, Mills, Palmer, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wright — 39.

The bill is ordered enrolled.

H. B. 728, a bill to amend the Charter of the City of Washington to allow historic district, historic properties and building inspections jurisdiction between one and one and one-half miles from the City limits, upon third reading.

The bill passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, McDuffie, Mills, Palmer, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wright — 39.

The bill is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. J. R. 42, a joint resolution honoring the lives and memories of Miss M. Lillian Bremer and Miss Lila Clare Newman by recognizing china painting as a fine art and declaring June as North Carolina Porcelain Art Month.

S. B. 149, an act to authorize the Department of Administration to petition for the annexation of State-owned lands into municipalities.

H. B. 177, an act to provide a supplemental retirement fund for firemen in the Town of Lillington.

H. B. 240, an act to provide a supplemental retirement fund for firemen in the Town of Edenton.

H. B. 309, an act to change retirement benefits of the North Wilkesboro Supplementary Pension Fund.

H. B. 338, Committee Substitute for **H. B. 338**, an act to provide a supplemental retirement fund for firemen in the Town of Waynesville and to modify the application of G. S. 118-5, G. S. 118-6, and G. S. 118-7 to the Town of Waynesville.

H. B. 375, Committee Substitute for **H. B. 375**, an act to amend the Charter of the City of Winston-Salem, relating to Uptown Development Projects.

H. B. 550, an act to change the distribution of profits of the High Point ABC Board.

H. B. 553, an act to extend to volunteer firemen supplemental retirement benefits in the City of Lenoir.

H. B. 556, an act to allow Mecklenburg County to enact ordinances providing for fair housing opportunities in Mecklenburg County.

H. B. 558, an act to allow Mecklenburg County to assign any or all of the duties of the board of adjustment to a planning agency.

H. J. R. 580, a joint resolution honoring the life and memory of Joseph Leonard Bright, a former member of the North Carolina General Assembly.

H. B. 602, an act to provide a Supplemental Retirement Fund for firemen in the City of Belhaven.

H. B. 615, an act to change the distribution of profits of the Tryon ABC Board.

H. B. 658, an act to amend the Charter of the Town of Kill Devil Hills to provide for four-year staggered terms for the mayor and board of commissioners, and to provide for the council-manager form of government.

H. B. 681, an act regarding beer sales in Ocean Isle Beach.

H. B. 687, an act to amend Chapter 363 of the 1969 Session Laws concerning the retirement fund for firemen in the City of Newton.

H. B. 720, an act regarding appointment of the Durham ABC Board.

On motion of Senator Lawing, seconded by Senator Palmer, the Senate adjourns to meet Monday at 8:00 P.M.

SEVENTY-EIGHTH DAY

SENATE CHAMBER,
Monday, May 4, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Rev. Mrs. Winona Jones duCille, Chaplain for the North Carolina Correctional Center for Women, Raleigh, as follows:

"Almighty God, You have plans for us, and power to make them happen. Give legislators, executives, and government workers, a knowledge of Your will for the world. Let them remember that they serve a public trust, beyond personal gain or glory. May they see that no nation lives for itself alone, but is responsible to You for peace, and for the well-being of all Your people, through Jesus Christ our Lord. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

A leave of absence granted previously to Senator Thomas of Henderson is noted.

The President recognizes the following pages serving in the Senate this week: Kate Baird, Lumberton; George Moore Cutrell, Windsor; Mary Martha Dean, Louisburg; Stephen Christopher Ford, Raleigh; Ann Harper, Winston-Salem; Cynthia Marie Hall, Raleigh; Suzanne Bivins Helms, Winston-Salem; Lisa Inman, Chapel Hill; Kathy Jean

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Kenion, Candor; Jennifer Nicole Maske, Raleigh; Earl Hughes Oxendine, Jr., Raeford; Rose Parish, Red Springs; Ashley Parks, Chapel Hill; Alanna Pierce, Reidsville; Gilbert Worth Rowland, Raleigh; Esther L. Sacrinty, Eden; Pamela Jo Short, Wadesboro; Joy Singleton, Washington; Jonathan Stokes Powell III, Windsor; Norma Trevor Turnage, Rocky Mount; Andrea Lea Tyson, Stantonsburg; David Edward Willis, Sharpsburg; Oliver Wendell Worthington II, Statesville; and Jennifer Arlene Yow, Wilmington.

APPOINTMENTS OF THE GOVERNOR

The President directs the Reading Clerk to read the following message from the Governor:

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
May 1, 1981

The Honorable James C. Green
President of the Senate
Lt. Governor of North Carolina
Legislative Building
Raleigh, North Carolina

Re: North Carolina Utilities Commission

Dear Mr. President:

Pursuant to the provision of G. S. 62-10, I submit herewith to the General Assembly the names of Robert K. Koger and Edward B. Hipp whom I am recommending to be reappointed as members of the North Carolina Utilities Commission for a term beginning July 1, 1981 and expiring July 1, 1989.

Very truly yours,
S/ JAMES B. HUNT, JR.
Governor of North Carolina

Notification of these appointments is referred to the **Public Utilities and Energy Committee**.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Lawing for the **Rules and Operation of the Senate Committee**:

S. J. R. 478, a joint resolution honoring the life and memory of Linwood Branton Hollowell, Senior, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

May 4, 1981

By Senators Marion, Kincaid, Thomas of Henderson, Harris, Clarke, Thomas of Craven, Redman, McDuffie, Mills, Palmer, Baker, Cockerham, Boger, Lawing, and Royall:

S. B. 502, a bill setting forth duties of skiers and ski area operators and limitations thereof.

Referred to **Insurance Committee**.

By Senator Redman:

S. B. 503, a bill to amend the Constitution to prohibit the Governor or Lieutenant Governor from serving consecutive terms.

Referred to **Constitutional Amendments Committee**.

By Senator Wright:

S. B. 504, a bill to remove restrictive limitations on certain grants of radio certification.

Referred to **Public Utilities and Energy Committee**.

By Senator Hardison:

S. B. 505, a bill to create employment opportunities for blind and severely handicapped persons by assuring a market for products provided by them.

Referred to **State Government Committee**.

By Senator Mathis:

S. B. 506, a bill to provide for more accurate and reliable rate standards and classifications and to prohibit discrimination in the issuance and renewal of policies in motor vehicle insurance.

Referred to **Insurance Committee**.

Senator Clarke moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Clarke and Swain:

S. B. 507, a bill concerning budget preparation and financing of the Buncombe County Board of Tax Supervision.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Allred, Jernigan, and Cockerham:

S. B. 508, a bill to expand the disqualification of claimants for unemployment benefits who refuse suitable work without good cause.

Referred to **Manufacturing, Labor and Commerce Committee**.

Senator Wynne moves that Rule 41 be suspended to allow the introduction and referral to committee of the following joint resolution, which motion prevails by a two-thirds majority vote.

By Senators Wynne, Gray, Ward, White, Clarke, Speed, Boger, Harris, Allred, McDuffie, and Jernigan:

S. J. R. 509, a joint resolution encouraging higher funding of adult day care so as to

reduce more costly rest home expenditures.

Referred to **Appropriations Committee**.

By Senators Palmer and Swain:

S. B. 510, a bill to prevent disability retirement for a disabling condition which existed prior to membership in the Local Governmental Employees' Retirement System, the Teachers' and State Employees' Retirement System, the Uniform Judicial Retirement System and the Law Enforcement Officers' Benefit and Retirement Fund.

Referred to **Pensions and Retirement Committee**.

By Senators Palmer and Swain:

S. B. 511, a bill to apply the same standard for disability retirement as for reexamination and to increase the age for reexamination in the North Carolina Local Governmental Retirement System, the Teachers' and State Employees' Retirement System and the Uniform Judicial Retirement System.

Referred to **Pensions and Retirement Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 298, Committee Substitute for **H. B. 298**, a bill to amend Chapter 90, Article 8 of the General Statutes relating to chiropractors.

Referred to **State Government Committee**.

H. B. 483, Committee Substitute for **H. B. 483**, a bill to authorize a husband and wife to own a mobile home as tenants by the entirety as recommended by the General Statutes Commission.

Referred to **Judiciary II Committee**.

H. B. 528, a bill to give the Utilities Commission authority to prescribe manner for distributing customer refunds of wholesale increase to utility companies.

Referred to **Public Utilities and Energy Committee**.

H. B. 531, a bill to give the Utilities Commission the authority to decide the level of interest to add to customer refunds.

Referred to **Public Utilities and Energy Committee**.

H. B. 609, a bill to amend G. S. 62-133 relating to rate increases of intrastate rail carriers.

Referred to **Public Utilities and Energy Committee**.

H. B. 772, a bill to clarify the Juvenile Code and to permit secure custody in additional circumstances.

Referred to **Judiciary II Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 207, a bill to clarify provisions regarding payment of medical expenses in occupational disease cases, for concurrence in House Amendment No. 2.

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On motion of Senator Jenkins, consideration of the bill is postponed until Tuesday, May 5.

S. B. 220, Committee Substitute No. 2 for **S. B. 220**, a bill to waive the governmental immunity of local governments in tort and to require them to respond in damages up to one hundred thousand dollars, upon second reading.

On motion of Senator Allsbrook, consideration of the Committee Substitute bill No. 2 is postponed until Tuesday, May 5.

S. B. 383, a bill to make rulemaking and hearings provisions in human resources legislation consistent with the Administrative Procedure Act.

Senator Jordan offers Amendment No. 1 which is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 403, a bill to mandate the accrual of interest on money judgments awarded in actions other than contract from the filing of the claim, for concurrence in House Amendments No. 1, No. 2, and No. 3.

On motion of Senator Mathis, the Senate concurs in House Amendments No. 1, No. 2, and No. 3, and the bill is ordered enrolled.

S. B. 433, Committee Substitute for **S. B. 433**, a bill to provide lifetime licenses for hunting and fishing and to create and maintain a Wildlife Endowment Fund with the proceeds.

Senator Rauch offers Amendment No. 1 which is adopted.

The Committee Substitute bill, as amended, passes its second and third readings.

Senator Rauch moves that the vote by which the Committee Substitute bill, as amended, passed its third reading be reconsidered, which motion prevails.

Senator Rauch moves that the vote by which the Committee Substitute bill, as amended, passed its second reading be reconsidered, which motion prevails.

The President rules the Committee Substitute bill, as amended, requires a call of the roll, and the bill remains before the Senate upon second reading.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 48.

The Committee Substitute bill, as amended, remains on the Calendar upon third reading.

S. B. 451, a bill concerning pre-abortion requirements.

Senator Harris offers Amendment No. 6 which is adopted.

Pursuant to Rule 42, Senator Vickery requests that the bill, as amended, be referred to the **Appropriations Committee**.

The President rules that the bill, as amended, is properly before the Senate.

Senator Jenkins offers Amendment No. 7. Senator Harris calls the previous question, duly seconded. The call is sustained. Amendment No. 7 fails of adoption.

Senator Harris calls the previous question, duly seconded. The call is sustained. The bill, as amended, passes its second reading.

Senator Vickery moves that the bill, as amended, be placed on the Calendar, upon third reading, for Thursday, May 7, which motion fails to prevail.

On objection of Senator Vickery to its third reading, the bill, as amended, remains on the Calendar for tomorrow, May 5, for further consideration.

H. B. 319, Senate Committee Substitute for House Committee Substitute for **H. B. 319**, a bill to authorize boards of elections to hold executive sessions after public hearings.

The Senate Committee Substitute bill passes its second reading.

On objection of Senator Allred to its third reading, the Senate Committee Substitute bill remains on the Calendar for further consideration.

H. B. 505, a bill to authorize transfer of institutionalized patients without notice only for emergency medical treatment, emergency evaluation or emergency surgery.

The bill passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 95, an act to permit all school employees paid from State funds and employed on a 10-month basis to choose to be paid in 12 monthly installments.

S. B. 174, an act to prohibit deer hunting with centerfire rifles in Cabarrus County.

S. B. 297, an act to authorize the Department of Transportation to lease the right-of-way of Interstate Highway 40 to the City of Winston-Salem for a parking facility.

S. B. 407, Committee Substitute for **S. B. 407**, an act to transfer watershed approval authority for watershed workplans and the use of channelization to the Soil and Water Conservation Commission and to clarify Chapter 139 of the General Statutes.

H. B. 250, Committee Substitute for **H. B. 250**, an act to provide for auxiliary services at the North Carolina Museum of Art.

H. B. 440, an act to establish the fee for execution of passport application by clerks of superior court.

H. B. 451, an act to repeal the requirement of G. S. 147-59 that state warrants be presented for payment within sixty days.

H. B. 521, an act to require county boards of elections to cause voting machines and automatic vote counters to be examined prior to their use in an election.

H. B. 525, an act relating to prima facie rule of evidence for enforcement of parking regulations in the Town of Fremont and in the City of Goldsboro.

H. B. 548, an act to prohibit a county board of elections from making a recount when the State board has denied a recount.

H. B. 574, an act to allow the Town of Kenansville to increase the tax levy on motor vehicles to a maximum of five dollars.

H. B. 582, an act to confirm the corporate limits and ratify actions of the City of Bakersville in Mitchell County.

H. B. 601, an act to allow the Town of Enfield to collect a tax of not more than three dollars on motor vehicles.

H. B. 606, an act authorizing the Town of Garner to receive and accept funds provided by a developer to the Town for acquisition of recreational land and validating prior acceptance by the Town of funds provided by developers in lieu of dedication of land for park, recreation, or open space sites.

H. B. 616, an act to establish the same deadline for one stop absentee voting and absentee voting by mail and to fix the beginning date for one stop voting.

H. B. 645, an act to incorporate the Town of Robinwood in Gaston County, subject to a referendum.

H. B. 660, an act to permit the Town of Bethel to impose a tax on automobiles of three dollars.

H. B. 665, an act to permit all cities and towns in Dare County to collect automobile tax of an amount not to exceed five dollars.

H. B. 686, an act authorizing the Town of Ocean Isle Beach to assess for navigation projects, including dredging and bulkheading of canals.

H. B. 691, an act to allow cities and towns in Dare County to make street improvements and assess without petition.

H. B. 727, an act to make revisions in the Charter of the Town of Edenton.

H. B. 728, an act to amend the Charter of the City of Washington to allow historic district, historic properties and building inspections jurisdiction between one and one and one-half miles from the City limits.

H. B. 769, an act to authorize insurance companies to make loans to officers on an equal basis as loans to other employees.

H. B. 788, an act to delete references to local health or social services departments in statutes dealing with prison inmates.

H. B. 841, an act to clarify the procedure for removing the names from the registration records of persons who have moved to another county or state or who have died and to remove obsolete references.

H. B. 866, an act to repeal an obsolete provision of the General Statutes relating to pardon of prisoners.

On motion of Senator Lawing, seconded by Senator Ward, the Senate adjourns to meet tomorrow at 1:30 P.M.

SEVENTY-NINTH DAY

SENATE CHAMBER,
Tuesday, May 5, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Louis C. Melcher, Pastor of the Church of the Good Shepherd, as follows:

"Most Gracious God, Ruler of heaven and earth, the Fountain of all wisdom, and the Source of all truth, we come before You for the Senate of our State, that it may please You to direct and prosper all their consultations to the advancement of Your glory and the safety, honor and well being of all Your people. Grant, O Lord, that all matters before them may be so ordered and settled by their endeavors, upon the best and surest foundations that peace and happiness, truth and justice, compassion and good will may abound among us. These and all other necessities for them, and for all our people, we ask in Your Holy Name. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants courtesies of the gallery to Guy Revelle and Raynor Woodard, former Representatives from Northampton County.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 403, an act to mandate the accrual of interest on money judgments awarded in actions other than contract from the filing of the claim.

H. B. 505, an act to authorize transfer of institutionalized patients without notice only for emergency medical treatment, emergency evaluation or emergency surgery.

H. B. 547, an act to provide that certain additional ancient mineral claims are extinguished in certain counties; and that certain oil, gas and mineral interests are to be recorded in such counties.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator White for the **Agriculture Committee**:

H. B. 851, a bill to amend the North Carolina compulsory meat inspection law to conform to changes in federal law requiring certain humane methods of slaughter as a condition of granting meat inspection, with a favorable report.

H. B. 852, a bill to clarify authority of existing milk inspection permit system, with a favorable report.

May 5, 1981

H. B. 867, a bill to change the meeting dates of the Public Livestock Market Advisory Board, with a favorable report.

By Senator Noble for the **Alcoholic Beverage Control Committee**:

H. B. 9, Committee Substitute for **H. B. 9**, a bill to rewrite the Alcoholic Beverage Control Laws, with a favorable report, as amended.

On motion of Senator Noble, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendments No. 1 and No. 2 are adopted.

On motion of Senator Noble, the Committee Substitute bill, as amended, is referred to the **Finance Committee**.

By Senator Speed for the **Education Committee**:

H. B. 336, Committee Substitute for **H. B. 336**, a bill to recodify Chapter 115 of the General Statutes, elementary and secondary education, with an unfavorable report as to House Committee Substitute bill, but favorable as to Senate Committee Substitute bill, with amendment.

On motion of Senator Speed, the rules are suspended and the Senate Committee Substitute bill, with amendment, is placed before the Senate for immediate consideration.

On motion of Senator Speed, the Senate Committee Substitute bill with Amendment No. 1 is adopted, and on his further motion is placed on the Calendar for Thursday, May 14.

By Senator Soles for the **Judiciary II Committee**:

S. B. 467, a bill to amend the law regarding wrongful death by changing the limit on medical expenses, with a favorable report, as amended.

H. B. 771, a bill to clarify Juvenile Code provisions relating to temporary custody, with a favorable report.

H. B. 773, a bill to clarify the definition of juvenile, with a favorable report.

H. B. 774, a bill to permit consent judgments in juvenile cases, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Rauch:

S. B. 512, a bill to repeal the sunset provision on byssinosis (brown lung) claims, and to provide a tax credit for payment of certain claims for byssinosis under the Workers' Compensation Act.

Referred to **Manufacturing, Labor and Commerce Committee**.

Senator Harris moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Harris:

S. B. 513, a bill to remove the pre-marital blood test for venereal disease as a requirement for a marriage license.

Referred to **Human Resources Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 101, Committee Substitute No. 2 for **H. B. 101**, a bill to increase the priority amount the personal representative or clerk of court may pay from the estate of an intestate for funeral expenses.

Referred to **Judiciary II Committee**.

H. B. 122, Committee Substitute for **H. B. 122**, a bill to require forfeiture of any gain resulting from a felony.

Referred to **Judiciary II Committee**.

H. B. 361, Committee Substitute for **H. B. 361**, a bill to conform State law to the Federal law on regulation for education of the handicapped.

Referred to **Judiciary II Committee**.

H. B. 431, a bill to change the calendaring dates for incompetency hearings.

Referred to **Courts and Judicial Districts and Criminal Justice Committee**.

H. B. 798, Committee Substitute for **H. B. 798**, a bill to clarify the conditions requiring use of amber-colored flashing lights on wreckers.

Referred to **Transportation Committee**.

H. B. 845, a bill to allow rehearings for patients committed to the Psychiatric Service of North Carolina Memorial Hospital to be held at any place in Orange County where district court may be held.

Referred to **Courts and Judicial Districts and Criminal Justice Committee**.

H. B. 861, a bill to authorize the retention of overcharges made due to a miscalculation of the ten dollars per four liters add-on.

Referred to **Alcoholic Beverage Control Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H. B. 682, a bill to allow the Town of Holden Beach to hold certain street assessments in abeyance, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Garrison, Gray, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Warren, White, Wright, and Wynne — 44.

The bill is ordered enrolled.

H. B. 716, a bill to revise and consolidate the Charter of the Town of Jamestown and to repeal prior local acts, upon third reading.

On motion of Senator Gray, consideration of the bill is temporarily displaced.

S. B. 433, Committee Substitute for **S. B. 433**, a bill to provide lifetime licenses for hunting and fishing and to create and maintain a Wildlife Endowment Fund with the proceeds, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Warren, White, Wright, and Wynne — 46.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives.

S. B. 220, Committee Substitute No. 2 for **S. B. 220**, a bill to waive the governmental immunity of local governments in tort and to require them to respond in damages up to one hundred thousand dollars, upon second reading.

The Committee Substitute bill No. 2 passes its second reading by roll-call vote, ayes 33, noes 15, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Barnes, Cavanagh, Cockerham, Daniels, Frye, Garrison, Gray, Hancock, Harrington, Harris, Jenkins, Jernigan, Kincaid, Lawing, Marvin, Mathis, McDuffie, Palmer, Rauch, Raynor, Royall, Soles, Swain, Thomas of Henderson, Vickery, Ward, Warren, White, and Wynne — 33.

Voting in the negative: Senators Ballenger, Boger, Clarke, Duncan, Hardison, Jordan, Marion, Mills, Noble, Redman, Smith, Speed, Thomas of Craven, Walker, and Wright — 15.

The following pair is announced:

Senator Creech, "aye"; Senator Johnson, "no."

The Committee Substitute bill No. 2 remains on the Calendar upon third reading.

S. B. 451, a bill concerning pre-abortion requirements, as amended, upon third reading.

Senator Walker offers Amendment No. 8. Senator Mathis moves that the bill, as amended, be taken from today's Calendar for the purpose of preparing a working engrossed copy, which motion fails to prevail. Amendment No. 8 fails of adoption.

Senator Mathis offers Amendment No. 9. Senator Harris calls the previous question, seconded by Senator Lawing. The call is sustained. Amendment No. 9 fails of adoption.

Senator Harris calls the previous question, duly seconded. The call is sustained.

The bill, as amended, passes its third reading.

Senator Garrison moves that the vote by which the bill, as amended, passed its third reading be reconsidered, which motion prevails.

Senator Rauch offers Amendment No. 10. Senator Harris calls the previous question, duly seconded. The call is sustained. Amendment No. 10 fails of adoption.

Senator Wynne offers Amendment No. 11 which is adopted.

Senator Harris calls the previous question, duly seconded. The call is not sustained.

Senator Vickery offers a motion that the bill, as amended, be temporarily displaced for the purpose of preparing a working engrossed copy.

Senator Lawing, seconded by Senator Soles, moves that the Senate do now adjourn, which motion prevails.

The Chair declares that the Senate stands adjourned to reconvene tomorrow at 1:30 P.M.

EIGHTIETH DAY

SENATE CHAMBER,
Wednesday, May 6, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Rev. Dean Lingle, Pastor of Holy Trinity Lutheran Church, Raleigh, as follows:

"Father of all mankind, Lover of peace, justice, and good order, we ask this day that You will look upon these thy special servants, and that You will bless them with good gifts—gifts of wisdom, compassion, a longing for justice, a true desire that people in this State be treated fairly and equally.

"As You have ordained governments to exercise authority and to establish rule among Your people, let the government of this State reflect in a way that it is truly visible Your loving and beneficent authority, that the residents of this land may live in peace and harmony with You and all creation. We pray in the Name of our Lord and Savior, Jesus Christ. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

RE-REFERRAL

S. B. 488, a bill to provide low-income individuals an additional one thousand dollar exclusion from gross income for amounts received from a federal employee retirement program.

Without objection, the President directs that the bill be taken from the **Finance Committee** and re-referred to the **Pensions and Retirement Committee**.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Duncan for the **Finance Committee**:

S. B. 348, a bill to allow the Department of Agriculture to continue to impose fees or charges in compliance with G. S. 12-3.1, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

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On motion of Senator Duncan, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Duncan, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, May 11.

S. B. 483, a bill to waive tuition and registration fees for trainees enrolled in courses under the New and Expanding Industry Program, with a favorable report.

On motion of Senator Duncan, the bill is placed on the Calendar for Friday, May 8.

H. B. 9, Committee Substitute for **H. B. 9**, a bill to rewrite the Alcoholic Beverage Control Laws, with a favorable report.

On motion of Senator Duncan, the Committee Substitute bill is placed on the Calendar for Friday, May 8.

H. B. 712, a bill to increase the fee for arrest or personal service of criminal process to four dollars, with a favorable report.

On motion of Senator Duncan, the bill is placed on the Calendar for Friday, May 8.

By Senator Raynor for the **Law Enforcement and Crime Control Committee**:

S. B. 444, a bill to increase the voting membership of the Governor's Crime Commission, with a favorable report, as amended.

On motion of Senator Raynor, the bill is placed on the Calendar for Friday, May 8.

H. B. 571, a bill to make certain changes in the salary continuation plan for State law enforcement officers, with a favorable report.

On motion of Senator Raynor, the bill is placed on the Calendar for Friday, May 8.

H. B. 608, a bill to allow the Pembroke State University campus police to assist the Robeson Sheriff and the Pembroke town police, with a favorable report.

On motion of Senator Raynor, the bill is placed on the Calendar for Friday, May 8.

By Senator Thomas of Craven for the **Natural and Economic Resources and Wildlife Committee**:

H. B. 653, a bill to rewrite G. S. 113-36 relating to the proceeds from the sale of materials from the State forests, with a favorable report.

On motion of Senator Thomas of Craven, the bill is placed on the Calendar for Friday, May 8.

H. B. 723, Committee Substitute for **H. B. 723**, a bill to repeal certain provisions in local acts relating to wildlife conservation in Pender County so that the general laws and regulations governing those matters will apply in Pender County, with a favorable report, as amended.

On motion of Senator Thomas of Craven, the Committee Substitute bill is placed on the Calendar for May 8.

By Senator Jenkins for the **Pensions and Retirement Committee**:

S. B. 264, a bill to permit service with the United States Office of Education to be considered creditable out-of-state service in the Teachers' and State Employees' Retirement System, with an unfavorable report.

H. B. 515, a bill to allow counties and cities to offer group health benefits to retired employees, with a favorable report.

On motion of Senator Jenkins, the bill is placed on the Calendar for Friday, May 8.

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H. B. 634, a bill to give the City of Wilmington authority to abolish the General Employees' Retirement Fund for the City of Wilmington upon transfer of employees to the North Carolina Local Governmental Employees' Retirement System, with a favorable report.

On motion of Senator Jenkins, the bill is placed on the Calendar for Friday, May 8.

By Senator Johnson for the **Public Utilities Committee**:

S. B. 410, a bill to rewrite the liquefied petroleum gases safety law, with a favorable report, as amended.

On motion of Senator Johnson, the bill is placed on the Calendar for Friday, May 8.

By Senator Barnes for the **State Government Committee**:

S. B. 354, a bill to clarify the authority of the Capital Building Authority with respect to territorial jurisdiction and award of informal contracts, with a favorable report.

On motion of Senator Barnes, the bill is placed on the Calendar for Friday, May 8.

S. B. 381, a bill to amend and clarify the provisions of law relative to the North Carolina Public Employee Deferred Compensation Plan, with a favorable report, as amended.

On motion of Senator Barnes, the rules are suspended, and the bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee**.

S. B. 487, a bill to establish a program in the Department of Cultural Resources for the registration of historical military reenactment groups, with a favorable report.

On motion of Senator Barnes, the bill is placed on the Calendar for Friday, May 8.

H. B. 218, Committee Substitute for **H. B. 218**, a bill to regulate the practice of nursing, with a favorable report.

On motion of Senator Barnes, the Committee Substitute bill is placed on the Calendar for Friday, May 8.

H. B. 462, a bill to allow governmental purchases of fuel by informal bid regardless of dollar amount, with a favorable report.

On motion of Senator Barnes, the bill is placed on the Calendar for Friday, May 8.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Johnson:

S. B. 514, a bill to establish the priority of future advances made under wraparound mortgages and to classify wraparound mortgages as first mortgages in some circumstances.

Referred to **Banking Committee**.

By Senators Cockerham, Allred, Baker, Cavanagh, Ballenger, Boger, Wright, and Smith:

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S. B. 515, a bill to repeal all taxes on intangible property.
Referred to **Finance Committee**.

By Senator Johnson:

S. B. 516, a bill to clarify landlord eviction remedies in residential tenancies.
Referred to **Judiciary II Committee**.

By Senators Ballenger, Boger, Cockerham, Redman, Baker, Cavanagh, Allred, and Smith:

S. B. 517, a bill providing that the State charge tuition at the North Carolina School of Science and Mathematics.
Referred to **Finance Committee**.

By Senators Kincaid and Baker:

S. B. 518, a bill to appropriate funds for Historic Quaker Meadows Cemetery in Burke County.
Referred to **Appropriations Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 306, a bill to provide for requesting and giving notice of a second primary, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow, May 7.

H. B. 149, Committee Substitute for **H. B. 149**, a bill to provide that any party may introduce photographs as substantive evidence upon laying a proper foundation.
Referred to **Judiciary II Committee**.

H. B. 456, a bill to amend the provisions on access to public assistance and social services records.
Referred to **Human Resources Committee**.

H. B. 457, a bill to amend the provisions for public assistance appeals.
Referred to **Human Resources Committee**.

H. B. 532, a bill to amend G. S. 15A-622 to authorize six months' terms for grand jurors in certain counties.
Referred to **Courts and Judicial Districts and Criminal Justice Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

(Senator Lawing presides over a portion of today's Session.)

S. B. 128, a bill to prohibit the manufacture, delivery, sale, possession and use of drug paraphernalia.

On motion of Senator Swain, Committee Amendment No. 1 is adopted.

Senator Barnes offers Amendment No. 2 which is adopted.

Senator Creech offers a motion to re-refer the bill, as amended, to a judiciary committee, which motion fails to prevail.

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The bill, as amended, passes its second reading.

Senator Creech objects to the third reading.

Senator Raynor moves that the rules be suspended to allow the bill, as amended, to be considered upon third reading, which motion prevails.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives.

S. B. 207, a bill to clarify provisions regarding payment of medical expenses in occupational disease cases, for concurrence in House Amendment No. 2.

On motion of Senator Jenkins, the Senate concurs in House Amendment No. 2 and the bill is ordered enrolled.

S. B. 220, Committee Substitute No. 2 for **S. B. 220**, a bill to waive the governmental immunity of local governments in tort and to require them to respond in damages up to one hundred thousand dollars, upon third reading.

On motion of Senator Mills, consideration of the Committee Substitute bill No. 2 is postponed until Friday, May 8.

S. B. 451, a bill concerning pre-abortion requirements, as amended, upon third reading.

Senator Rauch offers Amendment No. 12. Senator Harris calls the previous question, seconded by Senator Rauch. The call is sustained. Amendment No. 12 is adopted.

On motion of Senator McDuffie, consideration of the bill, as amended, is postponed until Wednesday, May 13.

Senator Lawing rises to a point of personal privilege and, without objection, his remarks are spread upon the Journal, as follows:

"Mr. President,

"I read in the **News and Observer** under the by-line of Sherry Johnson, where it said that I was disturbed because the Lt. Governor, Jimmy Green, had cut off debate. I want to make the matter, and—let the record show—that I did not consider that you'd cut off debate. You recognized Senator Harris, and justly so, because he was Chairman of the committee and the introducer of the bill that brought it before us, and that was the proper thing to do, and I did not consider that you were in any way, shape, form, or fashion trying to cut off debate. I want the record to so indicate."

S. B. 467, a bill to amend the law regarding wrongful death by changing the limit on medical expenses.

On motion of Senator Johnson, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. J. R. 478, a joint resolution honoring the life and memory of Linwood Branton Hollowell, Senior.

The joint resolution passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 479, a bill to amend G. S. 24-11 relating to revolving credit.

On motion of Senator Mills, the bill is recommitted to the **Banking Committee**.

H. B. 73, Committee Substitute for **H. B. 73**, a bill to amend G. S. 50-13.4 to make the father and the mother primarily liable for support.

On motion of Senator Vickery, consideration of the Committee Substitute bill is postponed until Friday, May 8.

H. B. 165, Committee Substitute for **H. B. 165**, a bill concerning Department of Social Services investigations of abuse and neglect.

On motion of Senator Vickery, consideration of the Committee Substitute bill is postponed until Friday, May 8.

H. B. 319, Senate Committee Substitute for House Committee Substitute for **H. B. 319**, a bill to authorize boards of elections to hold executive sessions after public hearings, upon third reading.

The Senate Committee Substitute bill passes its third reading and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 523, Committee Substitute for **H. B. 523**, a bill to rewrite the statutory provision pertaining to damages recoverable from parents for a minor's injury to person or property.

On motion of Senator Vickery, consideration of the Committee Substitute bill is postponed until Friday, May 8.

H. B. 669, a bill to allow housing authority tenants to serve as Authority commissioners.

On motion of Senator Harris, the bill is recommitted to the **Judiciary II Committee**.

H. B. 716, a bill to revise and consolidate the Charter of the Town of Jamestown and to repeal prior local acts, upon third reading.

Senator Frye offers Amendment No. 1 which is adopted.

The bill, as amended, passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garri-son, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Smith, Speed, Swain, Thomas of Craven, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 46.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 771, a bill to clarify Juvenile Code provisions relating to temporary custody. The bill passes its second and third readings and is ordered enrolled.

H. B. 773, a bill to clarify the definition of juvenile.

The bill passes its second and third readings and is ordered enrolled.

H. B. 774, a bill to permit consent judgments in juvenile cases.

Senator Vickery offers Amendment No. 1 which is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 851, a bill to amend the North Carolina compulsory meat inspection law to conform to changes in federal law requiring certain humane methods of slaughter as a condition of granting meat inspection.

On motion of Senator White, consideration of the bill is postponed until Friday, May 8.

H. B. 852, a bill to clarify authority of existing milk inspection permit system. The bill passes its second and third readings and is ordered enrolled.

H. B. 867, a bill to change the meeting dates of the Public Livestock Market Advisory Board.

The bill passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 408, an act to provide for soil and water conservation district supervisor recommendations to be made by the full board of supervisors.

H. B. 327, an act to increase the number of members on the Mecklenburg County Alcoholic Control Board from three to five.

H. B. 381, an act to amend Chapter 87, Article 2, of the General Statutes, relating to plumbing, heating and air conditioning contractors.

H. B. 649, an act to extinguish ancient subsurface oil, gas or mineral interests in land in Alleghany County.

H. B. 682, an act to allow the Town of Holden Beach to hold certain street assessments in abeyance.

H. J. R. 732, a joint resolution urging the United States Department of Agriculture to change the date on which it accepts bids for buying apples.

On motion of Senator Lawing, seconded by Senator Harris, the Senate adjourns to meet tomorrow at 1:00 P.M.

EIGHTY-FIRST DAY

SENATE CHAMBER,
Thursday, May 7, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Talmadge Infinger, Pastor of Fellowship Baptist Church, Raleigh.

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senators Marion, White, and Allsbrook for today and to Senator Swain for tomorrow, May 8.

Without objection, courtesies of the floor are extended to the Honorable Charles M. Campbell, Senator from the State of Hawaii. Upon motion of Senator Lawing, the rules
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are suspended to the end that Senator Campbell is granted permission to approach the Well of the Senate where he reads a resolution, adopted by the Senate of the State of Hawaii, honoring the late Dr. Anne Adams, former Head of the Education Department, Duke University.

POINT OF ORDER

Senator Harris rises to a point of order relative to **S. B. 451**, a bill concerning pre-abortion requirements, and requests a ruling of the Chair as to the content of Amendment No. 3, which failed of adoption, April 30, and Amendment No. 12, which was adopted May 6, the content and intent of the Amendments being the same. The Chair takes the point of order under advisement and delays a ruling until tomorrow.

RE-REFERRAL

H. B. 9, Committee Substitute for **H. B. 9**, a bill to rewrite the Alcoholic Beverage Control Laws, as amended.

On motion of Senator Noble the Committee Substitute bill, as amended, is taken from the Calendar for Friday, May 8, and is placed on the Calendar for Monday, May 11.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Duncan for the **Finance Committee**:

H. B. 363, Committee Substitute for **H. B. 363**, a bill to authorize the Department of Revenue to give information obtained by it to county and municipal tax collectors to assist them in collecting county and municipal taxes, with a favorable report, as amended.

H. B. 371, Committee Substitute for **H. B. 371**, a bill to allow an additional State personal income tax exemption for persons aged 70 and over, with a favorable report.

On motion of Senator Duncan, the Committee Substitute bill is re-referred to the **Ways and Means Committee**.

H. B. 413, a bill to enable the Wastewater Treatment Plant Operators Certification Commission to assess additional fees for the late payment of annual fees and to establish mailing list fees, with a favorable report.

H. B. 670, a bill to allow the Town of Parkton to collect on motor vehicles a tax of not more than five dollars, with a favorable report.

By Senator Lawing for the **Rules and Operation of the Senate Committee**:

S. J. R. 493, a joint resolution honoring the life and memory of Carlisle Wallace Higgins, a former member of the General Assembly and Associate Justice of the Supreme Court of North Carolina, with a favorable report.

On motion of Senator Lawing, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger.

S. J. R. 497, a joint resolution directing the Legislative Research Commission to study the laws pertaining to the taxation of alcoholic beverages and the designation of revenues for alcoholism education, rehabilitation and research, with a favorable report, as amended.

On motion of Senator Lawing, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted.

The joint resolution, as amended, is ordered engrossed and re-referred to the **Appropriations Committee**.

H. J. R. 863, a joint resolution to express the deepest concern of the General Assembly over the recent murders of Black children in Atlanta, Georgia, with a favorable report.

By Senator Barnes for the **State Government Committee**:

S. B. 178, a bill requiring that the selling and leasing of State land be by competitive bidding, with an unfavorable report as to bill, but favorable as to Committee Substitute bill, which changes the bill to a joint resolution.

On motion of Senator Barnes, the rules are suspended and the Committee Substitute joint resolution, which changes the title to read **S. J. R. 178**, Committee Substitute joint resolution for **S. B. 178**, a joint resolution authorizing the Legislative Research Commission to study whether the leasing of State land should be by competitive bidding, is placed before the Senate for immediate consideration.

On motion of Senator Barnes, the Committee Substitute joint resolution is adopted, and on his further motion is re-referred to the **Appropriations Committee**.

S. B. 491, a bill adopting "North Carolina Everlasting" as the State anthem, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

Senator Noble moves that Rule 41 be suspended to allow the introduction and referral to committee of the following joint resolution, which motion prevails by a two-thirds majority vote.

By Senators Noble, Wright, and Cavanagh:

S. J. R. 519, a joint resolution directing the Legislative Research Commission to study regional offices operated by State agencies.

Referred to **Rules and Operation of the Senate Committee**.

By Senators Swain, Noble, Johnson, Jenkins, Clarke, Jordan, Marvin, Palmer, Daniels, and Raynor:

S. B. 520, a bill to incorporate Section 1008 of Chapter X of Volume 1 Building Code, titled "Special Safety to Life Requirements Applicable to Existing High-Rise Buildings" into the General Statutes of North Carolina.

Referred to **State Government Committee**.

By Senator Alford:

S. B. 521, a bill to appropriate funds to the Elevator Division of the Department of

Labor to fund an elevator maintenance specialist to oversee the maintenance and operation of State-owned elevators.

Referred to **Appropriations Committee**.

By Senator Jordan:

S. B. 522, a bill to appropriate funds for the Town Creek Indian Mound State Historic Site.

Referred to **Appropriations Committee**.

By Senators Harrington, Barnes, Allred, Baker, Jernigan, Wright, and Cavanagh:

S. B. 523, a bill requiring all able-bodied prison inmates to work.

Referred to **Law Enforcement and Crime Control Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 360, a bill to permit boards of education to dispose of property in the same manner as counties and cities.

Referred to **Judiciary II Committee**.

H. B. 514, a bill to amend Article 6 of Chapter 147 of the General Statutes concerning authorized investments for the General Fund and the Highway Fund.

Referred to **Banking Committee**.

H. B. 680, a bill to change the procedure for appointing hospital authorities in counties with a population less than 75,000.

Referred to **Human Resources Committee**.

H. B. 856, a bill to amend G. S. 160A-299 to authorize municipalities to close streets within their extraterritorial jurisdiction.

Referred to **Transportation Committee**.

H. B. 881, a bill to specify the procedure for appealing denial of registration.

Referred to **Election Laws Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 306, a bill to provide for requesting and giving notice of a second primary, for concurrence in House Amendment No. 1.

On motion of Senator Warren, consideration of the bill is postponed until Wednesday, May 13.

RECONSIDERATION

S. B. 451, a bill concerning pre-abortion requirements.

Senator Vickery moves that the vote by which the motion to place **S. B. 451**, as amended, on the Calendar for Wednesday, May 13, prevailed be reconsidered and that the bill, as amended, be placed before the Senate for immediate consideration. The Chair

states that the motion carries, but rules that a point of order having been raised and taken under advisement, the bill, as amended, will not be placed before the Senate today upon its third reading.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 207, an act to clarify provisions regarding payment of medical expenses in occupational disease cases.

S. B. 367, Committee Substitute for **S. B. 367**, an act to rewrite the definition section of G. S. Chapter 130 relating to health services.

H. B. 771, an act to clarify Juvenile Code provisions relating to temporary custody.

H. B. 773, an act to clarify the definition of juvenile.

H. B. 852, an act to clarify authority of existing milk inspection permit system.

H. B. 867, an act to change the meeting dates of the Public Livestock Market Advisory Board.

On motion of Senator Lawing, seconded by Senator Noble, the Senate adjourns to meet tomorrow at 10:30 A.M.

EIGHTY-SECOND DAY

SENATE CHAMBER,
Friday, May 8, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Rev. Neill Bain, Pastor of Ernest Myatt Presbyterian Church, Raleigh, as follows:

"O God of all creation and Father of all humankind, we deal in things: asphalt and concrete, taxes and expenditures, hirings and firings.

"Help us to see beyond these things we deal in, to the people they affect. For You call upon us to have the broader vision and to serve our neighbors. Help us to be more concerned with others than with ourselves and our desires.

"We pray Thee, guide us this day by Your Spirit that by our deliberations and our actions we may serve our brothers and sisters, and thereby serve You, the Father of us all. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senators Mills, Cavanagh, Duncan, and Harrington for today. A leave of absence granted previously to Senator Swain is noted.

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RE-REFERRAL

H. B. 483, Committee Substitute for **H. B. 483**, a bill to authorize a husband and wife to own a mobile home as tenants by the entirety as recommended by the General Statutes Commission.

On motion of Senator Soles the Committee Substitute bill is taken from the **Judiciary II Committee** and re-referred to the **Judiciary I Committee**.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Lawing for Senator Mills for the **Banking Committee**:

S. B. 472, a bill to allow monies in official depositories to be placed in negotiable order of withdrawal accounts, with a favorable report.

H. B. 331, a bill to amend certain sections of Chapter 53 and other chapters of the General Statutes relating to banks and the Commissioner of Banks, with a favorable report.

On motion of Senator Lawing, the bill is re-referred to the **Finance Committee**.

By Senator Speed for the **Education Committee**:

S. B. 290, a bill to appropriate funds for educational services for exceptional children, with a favorable report, as amended.

On motion of Senator Speed, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted. The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee**.

S. B. 382, a bill to allocate funds for arts educational teachers, with a favorable report.

On motion of Senator Speed, the bill is re-referred to the **Appropriations Committee**.

By Senator Harris for the **Human Resources Committee**:

S. B. 416, a bill to amend the North Carolina Health Planning and Resource Development Act of 1978, with a favorable report, as amended.

S. B. 443, a bill to provide for the management of hazardous and low-level radioactive waste in North Carolina, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Harris, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Harris, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Finance Committee**.

By Senator Creech for the **Judiciary III Committee**:

H. B. 544, a bill regarding identification of the drafter of a deed or deed of trust, with a favorable report.

By Senator Marion for the **Local Government and Regional Affairs Committee**:

S. B. 507, a bill concerning budget preparation and financing of the Buncombe County Board of Tax Supervision, with a favorable report.

H. B. 557, a bill to increase the maximum fine for littering in Mecklenburg County, with a favorable report.

H. B. 565, a bill to amend the Charter of the City of Charlotte to provide certain provisions with respect to appointments to committees, boards, and commissions, with a favorable report.

H. B. 566, a bill to allow the City of Charlotte to designate a planning agency to perform some as well as all the duties of the Board of Adjustment, with a favorable report.

H. B. 567, a bill to authorize the Mayor and City Council of the City of Charlotte to share appointments of members to certain boards, commissions, and authorities, with a favorable report.

H. B. 570, a bill to amend the Charter of the City of Charlotte to provide a veto and a vote for the mayor in certain situations, with a favorable report.

H. B. 632, a bill to provide that the board of adjustment procedures shall apply to the City Council of Wilmington when issuing special use permits or conditional use permits and rewriting G. S. 160A-388(e) to clarify the procedures for judicial review, with a favorable report.

H. B. 633, a bill to amend the Charter of the City of Wilmington regarding water supply and sewage disposal and local improvements, with a favorable report.

H. B. 635, a bill to amend the Charter of the City of Wilmington to permit payments in lieu of dedication of land or actual construction of required improvements in the approval of subdivisions, with a favorable report.

By Senator Thomas of Henderson for the **Small Business Committee**:

H. B. 812, a bill to provide that members of a nonprofit corporation as well as the board of directors may propose amendments to the corporation's charter, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Marion:

S. B. 524, a bill to provide liability insurance coverage for the law enforcement officers and law enforcement support personnel employed by the State.

Referred to **Insurance Committee**.

By Senator Creech:

S. B. 525, a bill to amend the definition of "public utility" to exclude a residential landlord serving only his tenants.

Referred to **Public Utilities and Energy Committee**.

Senator Rauch moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Rauch, Marvin, and Harris:

S. B. 526, a bill to repeal the authority of the Gaston County Board of Commissioners to abolish the Gaston County Police Force.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Baker and Kincaid:

S. B. 527, a bill to provide an additional assistant district attorney, an additional investigatorial assistant and an additional secretary for the district attorney's office in the Twenty-third Judicial District.

Referred to **Courts and Judicial Districts and Criminal Justice Committee**.

By Senator Harris:

S. B. 528, a bill to provide for a new State Board of Sanitarian Examiners and to require registration of sanitarians.

Referred to **State Government Committee**.

By Senator Mathis:

S. B. 529, a bill to amend the motor vehicle financial responsibility laws and provide for the registration of uninsured motor vehicles.

Referred to **Insurance Committee**.

Senator Kincaid moves that Rule 41 be suspended to allow the introduction and referral to committee of the following joint resolution, which motion prevails by a two-thirds majority vote.

By Senator Kincaid:

S. J. R. 530, a joint resolution expressing the sentiment of the General Assembly concerning the types of designs that should be used on stationery of State agencies.

Referred to **Judiciary I Committee**.

Senator Kincaid moves that Rule 41 be suspended to allow the introduction and referral to committee of the following joint resolution, which motion prevails by a two-thirds majority vote.

By Senators Allred and Lawing:

S. J. R. 531, a joint resolution urging the Attorney General to file a class action suit on behalf of the cities within North Carolina for overcharges paid to paving contractors as a result of bid rigging.

Referred to **Rules and Operation of the Senate Committee**.

By Senators Gray, Ward, Jenkins, Thomas of Craven, Noble, Wynne, and Barnes:

S. B. 532, a bill to clarify requirements for licensure of domiciliary homes.

Referred to **Human Resources Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

May 8, 1981

H. J. R. 984, a joint resolution providing for a Joint Session of the Senate and House of Representatives to vote on confirmation of appointments of the Governor to membership on the North Carolina Utilities Commission.

On motion of Senator Johnson, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered enrolled.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 150, Committee Substitute for **H. B. 150**, a bill to establish a maximum registration fee of two hundred fifty dollars for certain unit investment trusts.

Referred to **Banking Committee**.

H. B. 293, Committee Substitute for **H. B. 293**, a bill to amend Chapter 90, Article 17 of the General Statutes relating to dispensing opticians.

Referred to **State Government Committee**.

H. J. R. 554, Committee Substitute for **H. J. R. 554**, a joint resolution urging newspapers and radio and television stations in North Carolina to adopt a policy prohibiting the publication or broadcasting of the name of a minor who is the victim of a sexual assault, and authorizing a study of the need for legislation on this subject.

Referred to **Appropriations Committee**.

H. B. 679, a bill to provide that when vacancies occur on the Davidson County Board of Commissioners, the appointing authority must appoint the person recommended by the political party of the vacating member.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 709, a bill to repeal Chapter 334 of the 1963 Session Laws and Chapter 919 of the 1967 Session Laws relating to the Office of Tax Collector in Northampton County.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 722, a bill to reapportion the Brunswick County Board of Education, and to change to partisan elections.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 729, a bill to amend Chapter 811 of the 1975 Session Laws of the State of North Carolina relating to the satellite corporate limits of Indian Beach.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 895, a bill to set higher maximum fees collectable by the Board of Barber Examiners.

Referred to **Finance Committee**.

H. B. 901, a bill authorizing establishment of a recreation trust fund for the Town of Rutherfordton.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 903, a bill to provide that the Wagram Town Board of Commissioners shall be elected for staggered two- and four-year terms.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 918, a bill to allow the Cabarrus County Board of Education to pay its ten-month employees on or before the fifteenth day of each month.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 922, a bill to allow additional pool-type investments by local governments.

Referred to **State Government Committee**.

H. B. 924, a bill relating to search and handling fees charged nonresidents requesting genealogical information, so as to clarify a conflict between two laws on the same subject enacted by the 1979 General Assembly.

Referred to **Finance Committee**.

RULING OF THE CHAIR

Senator Vickery rises to a point of order relative to **S. B. 451**, as amended, and questions the point of order raised by Senator Harris being taken after the vote upon Amendment No. 12.

The Chair does not entertain the point of order raised by Senator Vickery.

The Chair fails to sustain the point of order raised by Senator Harris.

Senator Vickery moves that **S. B. 451**, as amended, be placed before the Senate for immediate consideration.

The Chair rules that pursuant to Rule 50, the motion requires a two-thirds vote of the membership. The motion fails to prevail.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

(Senator Lawing presides over a portion of today's Session.)

S. B. 220, Committee Substitute No. 2 for **S. B. 220**, a bill to waive the governmental immunity of local governments in tort and to require them to respond in damages up to one hundred thousand dollars, upon third reading.

The Committee Substitute bill No. 2 passes its third reading by roll-call vote, ayes 31, noes 13, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Barnes, Creech, Frye, Garrison, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Jordan, Lawing, Marvin, Mathis, McDuffie, Palmer, Rauch, Raynor, Royall, Soles, Speed, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wynne — 31.

Voting in the negative: Senators Baker, Ballenger, Boger, Clarke, Cockerham, Johnson, Kincaid, Marion, Noble, Redman, Smith, Thomas of Craven, and Wright — 13.

The Committee Substitute bill No. 2 is ordered sent to the House of Representatives.

S. B. 354, a bill to clarify the authority of the Capital Building Authority with respect to territorial jurisdiction and award of informal contracts.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 410, a bill to rewrite the liquefied petroleum gases safety law.

On motion of Senator Palmer, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

May 8, 1981

S. B. 444, a bill to increase the voting membership of the Governor's Crime Commission.

On motion of Senator Clarke, Committee Amendment No. 1 is adopted.

Senator Clarke offers Amendment No. 2 which is adopted.

Senator Cockerham offers a motion to re-refer the bill, as amended, to the Appropriations Committee, which motion fails to prevail.

Senator Redman offers Amendment No. 3 which is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 483, a bill to waive tuition and registration fees for trainees enrolled in courses under the New and Expanding Industry Program.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 487, a bill to establish a program in the Department of Cultural Resources for the registration of historical military reenactment groups.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 491, a bill adopting "North Carolina Everlasting" as the State anthem.

Senator Johnson offers Amendment No. 1 which is adopted.

Senator Johnson moves that the rules be suspended to grant Dr. Cuddy and Mrs. Jan Anderson privileges of the floor for the purpose of presenting the proposed State Anthem, which motion prevails.

Senator Barnes offers Amendment No. 2. Senator Royall moves that Amendment No. 2 do lie upon the table, which motion prevails, and Amendment No. 2 lies upon the table.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

H. B. 73, Committee Substitute for **H. B. 73**, a bill to amend G. S. 50-13.4 to make the father and the mother primarily liable for support.

On motion of Senator Hancock, Committee Amendment No. 1 is adopted.

On motion of Senator Soles, the Committee Substitute bill, as amended, is recommitted to the **Judiciary II Committee**.

H. B. 165, Committee Substitute for **H. B. 165**, a bill concerning Department of Social Services investigations of abuse and neglect.

The Committee Substitute bill passes its second reading.

On objection of Senator Allred to its third reading the Committee Substitute bill remains on the Calendar for further consideration.

H. B. 218, Committee Substitute for **H. B. 218**, a bill to regulate the practice of nursing, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Clarke, Cockerham, Creech, Daniels, Frye, Garrison, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White and Wright — 44.

The Committee Substitute bill remains on the Calendar upon third reading.

H. B. 363, Committee Substitute for **H. B. 363**, a bill to authorize the Department of Revenue to give information obtained by it to county and municipal tax collectors to assist them in collecting county and municipal taxes.

On motion of Senator Rauch, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 413, a bill to enable the Wastewater Treatment Plant Operators Certification Commission to assess additional fees for the late payment of annual fees and to establish mailing list fees, upon second reading.

The bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Clarke, Cockerham, Creech, Daniels, Frye, Garrison, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Thomas of Craven, Thomas of Henderson, Vickery, Ward, Warren, White, and Wright — 43.

The bill remains on the Calendar upon third reading.

H. B. 462, a bill to allow governmental purchases of fuel by informal bid regardless of dollar amount.

The bill passes its second and third readings and is ordered enrolled.

H. B. 515, a bill to allow counties and cities to offer group health benefits to retired employees.

The bill passes its second and third readings and is ordered enrolled.

H. B. 523, Committee Substitute for **H. B. 523**, a bill to rewrite the statutory provision pertaining to damages recoverable from parents for a minor's injury to person or property.

On motion of Senator Soles, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second reading.

On objection of Senator Frye to its third reading the Committee Substitute bill, as amended, remains on the Calendar for Tuesday, May 12.

H. B. 571, a bill to make certain changes in the salary continuation plan for State law enforcement officers.

The bill passes its second and third readings and is ordered enrolled.

H. B. 608, a bill to allow the Pembroke State University campus police to assist the Robeson Sheriff and the Pembroke town police.

The bill passes its second and third readings and is ordered enrolled.

H. B. 634, a bill to give the City of Wilmington authority to abolish the General Employees' Retirement Fund for the City of Wilmington upon transfer of employees to the North Carolina Local Governmental Employees' Retirement System.

The bill passes its second and third readings and is ordered enrolled.

H. B. 653, a bill to rewrite G. S. 113-36 relating to the proceeds from the sale of materials from the State forests.

The bill passes its second and third readings and is ordered enrolled.

H. B. 670, a bill to allow the Town of Parkton to collect on motor vehicles a tax of not more than five dollars, upon second reading.

The bill passes its second reading by roll-call vote, ayes 39, noes 4, as follows:

Voting in the affirmative: Senators Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Clarke, Cockerham, Creech, Daniels, Frye, Garrison, Gray, Hardison, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Noble, Palmer, Rauch, Raynor, Smith, Soles, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, White, Wright, and Wynne — 39.

Voting in the negative: Senators Hancock, Redman, Royall, and Warren — 4.

The bill remains on the Calendar upon third reading.

H. B. 712, a bill to increase the fee for arrest or personal service of criminal process to four dollars, upon second reading.

The bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Clarke, Cockerham, Creech, Daniels, Frye, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wright — 43.

The bill remains on the Calendar upon third reading.

H. B. 723, Committee Substitute for **H. B. 723**, a bill to repeal certain provisions in local acts relating to wildlife conservation in Pender County so that the general laws and regulations governing those matters will apply in Pender County.

On motion of Senator Thomas of Craven, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 851, a bill to amend the North Carolina compulsory meat inspection law to conform to changes in federal law requiring certain humane methods of slaughter as a condition of granting meat inspection.

On motion of Senator White, consideration of the bill is postponed until Tuesday, May 12.

H. J. R. 863, a joint resolution to express the deepest concern of the General Assembly over the recent murders of Black children in Atlanta, Georgia.

The joint resolution passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 333, an act to provide a supplemental retirement fund for firemen in the City of Hendersonville and to make G. S. 118-5, G. S. 118-6, and G. S. 118-7 apply to the City of Hendersonville.

S. B. 335, an act to amend Chapter 122A of the General Statutes to extend the allowable bond term for bonds issued by the North Carolina Housing Finance Agency to forty-three years.

S. B. 336, an act to amend Chapter 122A of the General Statutes to enable the North Carolina Housing Finance Agency to participate in the making of mortgage loans for the rehabilitation of existing housing for low and moderate income persons.

S. B. 346, an act to amend the Charter of the City of Wilmington regarding the Civil Service Commission.

S. B. 375, an act to amend certain portions of Article 17 and 17A of Chapter 130 of the North Carolina General Statutes relating to the prevention, diagnosis and treatment of cancer.

S. J. R. 493, a joint resolution honoring the life and memory of Carlisle Wallace Higgins, a former member of the General Assembly and Associate Justice of the Supreme Court of North Carolina.

MOTION

S. B. 451, a bill concerning pre-abortion requirements, as amended.

Pursuant to Rule 51, Senator Jenkins moves that the bill, as amended, be taken from the Calendar of Wednesday, May 13, and placed before the Senate for immediate consideration as a special order of business.

Senator McDuffie, seconded by Senator Hardison, moves that the Senate do now adjourn, which motion prevails.

The Chair declares that the Senate stands adjourned to reconvene Monday, at 8:00 P.M.

EIGHTY-THIRD DAY

SENATE CHAMBER,
Monday, May 11, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, as we begin another week of service and work in this place, we are again reminded of our constant need for an awareness of Your divine presence. We do not ask that You come to dwell with us, for we have Your assurance that You will always be with us. Rather we ask that You will open our hearts and minds to Your spirit that we may know and believe You are among us, ready to speak to us and to fulfill our every need. We confess that sometimes we miss Your presence because we get too busy with our own agenda; or we are so sure of our own knowledge; or we are ashamed to admit our need. Forgive our sin, O God, and help us to be open to You this and every week as we seek to do Your will among the people of this State. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

May 11, 1981

The President grants a leave of absence to Senator Frye for tonight.

The President recognizes the following pages serving in the Senate this week: Donna Lee Ashley, Fayetteville; Christy Black, Winterville; Catherine Elaine Bostick, Kannapolis; Kevin Leonard Boyette, Princeton; Winfred Earl Bradley, Jr., Conway; Heather L. Cima, Chapel Hill; Gena Douglas, Statesville; Dott Ferguson, Richlands; Ted A. Gardner, Salisbury; Rodney Gillespie, Eden; Jim Wade Goodman, Dunn; Carolina Faye Goodwyn, Tarboro; Lynetta Howard, Raleigh; Mary Helen Jones, Raleigh; Tammy Lynne Jones, Harrisburg; Howard Knox III, Asheboro; Rita Elizabeth Nagel, Winston-Salem; Lynn Pearsall, Mt. Olive; Rob Roney, Williamston; Teresa Ann Taylor, Smithfield; Jimmy Wall, Rural Hall; Ulanda S. White, Raleigh; Lynn Wilhelm, Hickory; and Phillip Lathan Williams, Conway.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 319, Senate Committee
Substitute for **H. B. 319**

House of Representatives
May 11, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for House Committee Substitute to **H. B. 319**, a bill to be entitled an act to authorize boards of elections to hold executive sessions after public hearings, and requests conferees. The Speaker has appointed Representatives Douglas A. Clark, William T. Watkins, and Robert C. Hunter, on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
GRACE COLLINS
Principal Clerk

Senator McDuffie moves that the President appoint conferees, which motion prevails. The President appoints Senators McDuffie, Walker, and Hardison as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Creech for the **Judiciary III Committee**:

S. B. 439, a bill to permit family care homes for handicapped people in all residential and other zoning districts, with a favorable report, as amended.

By Senator Jernigan for the **Manufacturing, Labor and Commerce Committee**:

S. B. 372, a bill to amend sections of the Wage and Hour Act to increase the minimum wage, to decrease the number of hours worked before overtime wages must be paid and to extend the Act's jurisdiction, with a favorable report, as amended.

May 11, 1981

S. B. 373, a bill to apply the requirements and standards of apprenticeship to other on-the-job training programs and to clarify the role of the Department of Labor with respect to the approval of apprenticeship and other on-the-job training programs for veterans benefits purposes, with an unfavorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

Senator Jordan moves that Rule 41 be suspended to allow the introduction and referral to committee of the following joint resolution, which motion prevails by a two-thirds majority vote.

By Senator Jordan:

S. J. R. 533, a joint resolution memorializing Congress to study the expansion of the jurisdiction of the Federal Reserve Board to include money market funds for the purpose of implementing national economic and monetary policy.

Referred to **Rules and Operation of the Senate Committee**.

Senator Palmer moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Palmer and Thomas of Henderson:

S. B. 534, a bill to allow the Sheriff and Deputy Sheriffs of Cherokee County to purchase automobiles from State surplus.

Referred to **Local Government and Regional Affairs Committee**.

Senator Lawing moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Lawing:

S. B. 535, a bill to prohibit the hunting of deer with rifles, and the taking of any wildlife from public roads, in Mecklenburg County.

Referred to **Natural and Economic Resources and Wildlife Committee**.

By Senator Allsbrook:

S. B. 536, a bill to appropriate funds to the Department of State Auditor to provide positions necessary to comply with Federal audit mandates.

Referred to **Appropriations Committee**.

By Senator Warren:

S. B. 537, a bill to appropriate funds for a training center for firemen and rescue squad members in Johnston County and the surrounding area.

Referred to **Appropriations Committee**.

By Senators Speed, Raynor, Barnes, Daniels, and Harrington:

S. B. 538, a bill to establish guidelines for the accreditation of law enforcement agencies.

Referred to **Law Enforcement and Crime Control Committee**.

By Senators Speed and Barnes:

S. B. 539, a bill to create the Charitable Solicitation Licensure Act.

Referred to **Finance Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 276, a bill to revise the Charter of the Town of Granite Falls, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow, May 12.

H. B. 110, Committee Substitute for **H. B. 110**, a bill to increase the inheritance tax credit for Class A beneficiaries.

Referred to **Finance Committee**.

H. B. 227, a bill to clarify the provisions of G. S. 20-7(a)(3) concerning a Class C driver's license.

Referred to **Transportation Committee**.

H. B. 460, Committee Substitute for **H. B. 460**, a bill to change the manner of appointment of the Beaufort-Morehead City Airport Authority and to repeal special legislation dealing with bonds.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 506, a bill to raise the year's allowances for a surviving spouse and children.

Referred to **Judiciary II Committee**.

H. B. 656, a bill to revise and consolidate the Charter of the City of Brevard and to repeal prior local acts.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 833, a bill to exempt energy related services from payments made in lieu of taxes by joint municipal electric power and energy projects.

Referred to **Finance Committee**.

H. B. 857, a bill to amend G. S. 160A-299 to authorize municipalities to reserve utility improvements and easements in streets which are closed.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 869, a bill to permit judges to set aside convictions entered pursuant to G. S. 20-24c(1) through c(3).

Referred to **Judiciary II Committee**.

H. B. 885, a bill to revise and consolidate the Charter of the Town of Waynesville and to repeal prior local acts.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 888, a bill to permit Wayne County to equalize per pupil expenditures for local current expenses among administrative units.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 896, a bill to provide that appeals from rulings of county game commissions shall be heard by the district court sitting in the county in which the game commission is located.

Referred to **Courts and Judicial Districts and Criminal Justice Committee**.

H. B. 897, a bill to raise the threshold amount of construction, repair, or supply purchase contracts for which informal bids are required.

Referred to **State Government Committee**.

H. B. 898, a bill to raise the threshold amount of purchases under public building contracts for which formal advertisement for bids is required.

Referred to **State Government Committee**.

H. B. 961, a bill to allow Duplin County to use alternate condemnation procedures for certain easements in conjunction with the Limestone-Muddy Creek Watershed Project.

Referred to **Local Government and Regional Affairs Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 348, Committee Substitute for **S. B. 348**, a bill to allow the Department of Agriculture to continue to impose fees or charges in compliance with G. S. 12-3.1.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 416, a bill to amend the North Carolina Health Planning and Resource Development Act of 1978.

Without objection, the Chair removes the bill from today's Calendar and places it on the Calendar for Tuesday, May 12.

S. B. 472, a bill to allow monies in official depositories to be placed in negotiable order of withdrawal accounts.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 507, a bill concerning budget preparation and financing of the Buncombe County Board of Tax Supervision.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H. B. 9, Committee Substitute for **H. B. 9**, a bill to rewrite the Alcoholic Beverage Control Laws, as amended, upon second reading.

On motion of Senator Marion, consideration of the Committee Substitute bill, as amended, is postponed until Wednesday, May 13.

H. B. 165, Committee Substitute for **H. B. 165**, a bill concerning Department of Social Services investigations of abuse and neglect, upon third reading.

The Committee Substitute bill passes its third reading and is ordered enrolled.

H. B. 218, Committee Substitute for **H. B. 218**, a bill to regulate the practice of nursing, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Johnson, Jordan, Kincaid, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 46.

The Committee Substitute bill is ordered enrolled.

H. B. 413, a bill to enable the Wastewater Treatment Plant Operators Certification Commission to assess additional fees for the late payment of annual fees and to establish mailing list fees, upon third reading.

The bill passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Johnson, Jordan, Kincaid, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 45.

The bill is ordered enrolled.

H. B. 544, a bill regarding identification of the drafter of a deed or deed of trust. The bill passes its second and third readings and is ordered enrolled.

H. B. 557, a bill to increase the maximum fine for littering in Mecklenburg County, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Palmer, Rauch, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 45.

The bill remains on the Calendar upon third reading.

H. B. 565, a bill to amend the Charter of the City of Charlotte to provide certain provisions with respect to appointments to committees, boards, and commissions. The bill passes its second and third readings and is ordered enrolled.

H. B. 566, a bill to allow the City of Charlotte to designate a planning agency to perform some as well as all the duties of the Board of Adjustment.

The bill passes its second and third readings and is ordered enrolled.

H. B. 567, a bill to authorize the Mayor and City Council of the City of Charlotte to share appointments of members to certain boards, commissions, and authorities.

The bill passes its second and third readings and is ordered enrolled.

H. B. 570, a bill to amend the Charter of the City of Charlotte to provide a veto and a vote for the mayor in certain situations.

The bill passes its second and third readings and is ordered enrolled.

H. B. 632, a bill to provide that the board of adjustment procedures shall apply to the City Council of Wilmington when issuing special use permits or conditional use permits

and rewriting G. S. 160A-388(e) to clarify the procedures for judicial review.

The bill passes its second and third readings and is ordered enrolled.

H. B. 633, a bill to amend the Charter of the City of Wilmington regarding water supply and sewage disposal and local improvements, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Palmer, Rauch, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 45.

The bill remains on the Calendar upon third reading.

H. B. 635, a bill to amend the Charter of the City of Wilmington to permit payments in lieu of dedication of land or actual construction of required improvements in the approval of subdivisions, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Palmer, Rauch, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 45.

The bill remains on the Calendar upon third reading.

H. B. 670, a bill to allow the Town of Parkton to collect on motor vehicles a tax of not more than five dollars, upon third reading.

The bill passes its third reading by roll-call vote, ayes 39, noes 2, as follows:

Voting in the affirmative: Senators Alford, Allred, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Garrison, Gray, Hardison, Harrington, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Palmer, Rauch, Redman, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, and Wynne — 39.

Voting in the negative: Senators Hancock and Royall — 2.

The bill is ordered enrolled.

H. B. 712, a bill to increase the fee for arrest or personal service of criminal process to four dollars, upon third reading.

The bill passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Johnson, Jordan, Kincaid, Marion, Marvin, McDuffie, Mills, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 45.

The bill is ordered enrolled.

H. B. 812, a bill to provide that members of a nonprofit corporation as well as the board of directors may propose amendments to the corporation's charter.

The bill passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 224, Committee Substitute for **S. B. 224**, an act to revise and consolidate the Charter of the Town of Southern Pines and to repeal prior local acts.

S. B. 302, an act to amend exemption procedures under the Drinking Water Act.

S. B. 331, an act to provide that the chairman of the Employment Security Commission serve at the pleasure of the Governor.

S. B. 365, an act to require information obtained from an insurer insuring teachers and State employees to be held confidential and exempt from the Public Records Act.

S. B. 390, an act authorizing and empowering the City of Albemarle to levy assessments for public improvements and validating assessments for improvements heretofore made.

S. B. 422, a bill to make technical amendments to the Life and Accident and Health Insurance Guaranty Act.

H. B. 462, an act to allow governmental purchases of fuel by informal bid regardless of dollar amount.

H. B. 515, an act to allow counties and cities to offer group health benefits to retired employees.

H. B. 571, an act to make certain changes in the salary continuation plan for State law enforcement officers.

H. B. 608, an act to allow the Pembroke State University campus police to assist the Robeson Sheriff and the Pembroke town police.

H. B. 634, an act to give the City of Wilmington authority to abolish the General Employees' Retirement Fund for the City of Wilmington upon transfer of employees to the North Carolina Local Governmental Employees' Retirement System.

H. B. 653, an act to rewrite G. S. 113-36 relating to the proceeds from the sale of materials from the State forests.

H. J. R. 863, a joint resolution to express the deepest concern of the General Assembly over the recent murders of Black children in Atlanta, Georgia.

H. J. R. 984, a joint resolution providing for a Joint Session of the Senate and House of Representatives to vote on confirmation of appointments of the Governor to membership on the North Carolina Utilities Commission.

On motion of Senator Royall, seconded by Senator Hancock, the Senate adjourns to meet tomorrow at 1:30 P.M.

EIGHTY-FOURTH DAY

SENATE CHAMBER,
Tuesday, May 12, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by Dr. Carl Johnson, Ridge Road Baptist Church, Raleigh.

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President extends courtesies of the gallery to John R. Gamble, Jr., former Representative from Lincoln County.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Noble for the **Alcoholic Beverage Control Committee**:

H. B. 176, a bill regarding the use of ABC law enforcement funds in Scotland County, with a favorable report, as amended.

H. B. 261, a bill regarding beer elections in Yaupon Beach, with a favorable report.

H. B. 263, a bill to alter the distribution of Yaupon Beach ABC profits, with a favorable report.

H. B. 464, a bill regarding distribution of mixed beverage profits in New Hanover County, with a favorable report.

H. B. 861, a bill to authorize the retention of overcharges made due to a miscalculation of the ten dollars per four liters add-on, with a favorable report.

By Senator Allsbrook for the **Judiciary I Committee**.

S. B. 266, a bill to limit the types of designs that may be used on stationery of State agencies, with an unfavorable report.

S. J. R. 530, a joint resolution expressing the sentiment of the General Assembly concerning the types of designs that should be used on stationery of State agencies, with an unfavorable report.

H. B. 237, Committee Substitute for **H. B. 237**, a bill to make Civil Procedure Rule 36's provisions on requests for admissions more equitable, with a favorable report.

By Senator Soles for the **Judiciary II Committee**:

S. B. 516, a bill to clarify landlord eviction remedies in residential tenancies, with a favorable report.

H. B. 101, Committee Substitute No. 2 for **H. B. 101**, a bill to increase the priority amount the personal representative or clerk of court may pay from the estate of an intestate for funeral expenses, with a favorable report.

H. B. 775, Committee Substitute for **H. B. 775**, a bill to prohibit assaults and threats against general civil executive officers, the Speaker of the House, and the President Pro Tempore of the Senate, with a favorable report.

By Senator Harrington for the **Transportation Committee**:

H. B. 798, Committee Substitute for **H. B. 798**, a bill to clarify the conditions requiring use of amber-colored flashing lights on wreckers, with a favorable report.

H. B. 856, a bill to amend G. S. 160A-299 to authorize municipalities to close streets within their extraterritorial jurisdiction, with a favorable report.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 859, Committee Substitute for **H. B. 859**, a bill regarding bond requirement when the personal representative of an estate receives all the property of the decedent. Referred to **Judiciary II Committee**.

H. B. 934, a bill to amend Chapter 160A of the General Statutes to authorize municipalities to participate in the Urban Development Action Grant Program. Referred to **Local Government and Regional Affairs Committee**.

H. B. 938, a bill to authorize local governments to reject bids from suspended contractors. Referred to **Local Government and Regional Affairs Committee**.

H. J. R. 958, a joint resolution setting the date for the House of Representatives and Senate to elect members of the State Board of Community Colleges. Referred to **Higher Education Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

(Senator Lawing presides over a portion of today's Session.)

S. B. 276, a bill to revise the Charter of the Town of Granite Falls, for concurrence in House Amendment No. 1, upon second reading.

On motion of Senator Kincaid, the Senate concurs in House Amendment No. 1 by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 47.

The bill remains on the Calendar upon third reading.

S. B. 372, a bill to amend sections of the Wage and Hour Act to increase the minimum wage, to decrease the number of hours worked before overtime wages must be paid and to extend the Act's jurisdiction.

On motion of Senator Cockerham, Committee Amendment No. 1 is adopted.

Senator Vickery offers Amendment No. 2 which fails of adoption.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 416, a bill to amend the North Carolina Health Planning and Resource Development Act of 1978.

On motion of Senator Lawing, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 439, a bill to permit family care homes for handicapped people in all residential and other zoning districts.

On motion of Senator Frye, Committee Amendment No. 1 is adopted.

Senator Cockerham offers Amendment No. 2 which fails of adoption.

Senator Frye calls the previous question, seconded by Senator McDuffie. The call is sustained.

The bill, as amended, passes its second reading.

On objection of Senator Alford to its third reading, the bill, as amended, remains on the Calendar for further consideration.

H. B. 523, Committee Substitute for **H. B. 523**, a bill to rewrite the statutory provision pertaining to damages recoverable from parents for a minor's injury to person or property, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 557, a bill to increase the maximum fine for littering in Mecklenburg County, upon third reading.

The bill passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 47.

The bill is ordered enrolled.

H. B. 633, a bill to amend the Charter of the City of Wilmington regarding water supply and sewage disposal and local improvements, upon third reading.

The bill passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 47.

The bill is ordered enrolled.

H. B. 635, a bill to amend the Charter of the City of Wilmington to permit payments in lieu of dedication of land or actual construction of required improvements in the approval of subdivisions, upon third reading.

The bill passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 47.

The bill is ordered enrolled.

H. B. 851, a bill to amend the North Carolina compulsory meat inspection law to conform to changes in federal law requiring certain humane methods of slaughter as a condition of granting meat inspection.

The bill passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 419, an act to repeal Article 5 of General Statutes Chapter 39 which requires persons wishing to sell certain types of building lots to first obtain a permit to do so from the Clerk of Superior Court.

H. B. 165, Committee Substitute for **H. B. 165**, an act concerning Department of Social Services investigations of abuse and neglect.

H. B. 218, Committee Substitute for **H. B. 218**, an act to regulate the practice of nursing.

H. B. 413, an act to enable the Wastewater Treatment Plant Operators Certification Commission to assess additional fees for the late payment of annual fees and to establish mailing list fees.

H. B. 544, an act regarding identification of the drafter of a deed or deed of trust.

H. B. 565, an act to amend the Charter of the City of Charlotte to provide certain provisions with respect to appointments to committees, boards, and commissions.

H. B. 566, an act to allow the City of Charlotte to designate a planning agency to perform some as well as all the duties of the Board of Adjustment.

H. B. 567, an act to authorize the Mayor and City Council of the City of Charlotte to share appointments of members to certain boards, commissions, and authorities.

H. B. 570, an act to amend the Charter of the City of Charlotte to provide a veto and a vote for the mayor in certain situations.

H. B. 632, an act to provide that the board of adjustment procedures shall apply to the City Council of Wilmington when issuing special use permits or conditional use permits and rewriting G. S. 160A-388(e) to clarify the procedures for judicial review.

H. B. 670, an act to allow the Town of Parkton to collect on motor vehicles a tax of not more than five dollars.

H. B. 712, an act to increase the fee for arrest or personal service of criminal process to four dollars.

H. B. 716, an act to revise and consolidate the Charter of the Town of Jamestown and to repeal prior local acts.

H. B. 774, an act to permit consent judgments in juvenile cases.

H. B. 812, an act to provide that members of a nonprofit corporation as well as the board of directors may propose amendments to the corporation's charter.

On motion of Senator Lawing, seconded by Senator Mathis, the Senate adjourns to meet tomorrow at 1:30 P.M.

EIGHTY-FIFTH DAY

SENATE CHAMBER,
Wednesday, May 13, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Gracious God Our Father, we pray today for Your wisdom and mercy as we seek to do good for the children of North Carolina. We have come to know You as a loving parent; free to love, slow to anger, patient with our infirmities, nurturing us toward maturity. Help us to draw on our experience of Your loving concern as we nurture our own children, and as we seek to help them grow in faith, in knowledge, in compassion, in strength. Especially we ask Your care for those children caught in families being torn apart, or families where personal problems interfere with nurturing love. Help us as we work to strengthen all families so that wholeness, health, and mercy may be our portion in Your Spirit. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants a leave of absence to Senator Wynne for today.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S. J. R. 193

House of Representatives
May 13, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to **S. J. R. 193**, a joint resolution to establish the procedure for nominating and

May 13, 1981

electing members of the Board of Governors of the University of North Carolina, and **H. J. R. 984**, a joint resolution providing for a Joint Session of the Senate and House of Representatives to vote on confirmation of appointments of the Governor to membership on the North Carolina Utilities Commission, the House of Representatives stands ready to receive the Senate in Joint Session at 2:00 P.M.

Respectfully,
GRACE COLLINS
Principal Clerk

The President orders a special message be sent to the House of Representatives informing that Honorable Body that the Senate stands ready to repair to the Hall of the House, pursuant to **S. J. R. 193**, a joint resolution to establish the procedure for nominating and electing members of the Board of Governors of the University of North Carolina, and **H. J. R. 984**, a joint resolution providing for a Joint Session of the Senate and House of Representatives to vote on confirmation of appointments of the Governor to membership on the North Carolina Utilities Commission.

On motion of Senator Lawing, in accordance with **S. J. R. 193**, and **H. J. R. 984**, the Senate recesses to repair to the Hall of the House of Representatives there to sit in Joint Session, and on his further motion, upon dissolution of the Joint Session to return to the Senate Chamber for the further consideration of business.

JOINT SESSION

The Senate is received by the members of the House of Representatives standing, and the Joint Session is called to order by Lieutenant Governor James C. Green.

The Clerk of the Senate calls the roll of the Senate and the following members answer the call: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Hancock, Hardison, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wright — 47.

The Clerk of the House of Representatives calls the roll of the House of Representatives and the following members answer the call: Representatives Adams, Allran, Almond, Anderson, Barbee, Barker, Barnes, Beam, Bell, Black, Blue, Brannan, Brawley, Brennan, Brown, Brubaker, Bumgardner, Bundy, Burnley, Chapin, Church, D. Clark, W. Clark, Coble, Cochrane, Colton, Cook, Craven, Crawford, Creecy, Diamont, Easterling, Economos, Edwards, Ellis, Enloe, Bob Etheridge, W. B. Ethridge, Evans, Fenner, Foster, Fulcher, Fussell, Gay, Gillam, Grady, Greenwood, Guy, Hackney, Harrison, Haworth, Hayden, Hege, Helms, Hiatt, Hightower, Holmes, B. Holt, C. Holt, C. Hughes, J. Hughes, J. Hunt, P. Hunt, R. Hunter, T. Hunter, Huskins, Hux, James, Jones, Jordan, Kaplan, Lacey, Lancaster, Ligon, Lilley, Locklear, Lutz, McAlister, McDowell, Mauney, Mavretic, Messer, Miller, Morgan, Musselwhite, Nash, Nesbitt, Nye, Parnell, Payne, Pegg, Plyler, Poovey, Pulley, Quinn, Rabon, Radford, Ramsey, Redding, Rhodes, Robinson, Seymour, Smith, Spaulding, Spoon, Stamey, Taylor, Tennille, Thomas, B. Tison, H. Tyson, Warren, Watkins, Wicker, Woodard, and Wright — 116.

A quorum of each Body being declared present, the Joint Session proceeds with the business for which it convenes.

Lieutenant Governor Green recognizes Senator Vickery, Chairman of the Senate **University Board of Governors Committee**, who submits the following report:

The University Board of Governors Committee of the Senate recommends the following persons for the nomination by the Joint Session of the Senate and the House of Representatives for election to the Board of Governors of the University of North Carolina. Each of these persons is, in the opinion of the Committee, legally qualified for the position to which he or she is recommended and has stated that he or she would serve if elected.

MINORITY RACE CATEGORY EIGHT YEAR SEAT

(SENATE WILL ELECT ONE)

Geneva J. Bowe
Kermit Earle White

WOMEN CATEGORY EIGHT YEAR SEAT

(SENATE WILL ELECT ONE)

Julia Taylor Morton
Martha Kirkland Walston

AT-LARGE CATEGORY EIGHT YEAR SEAT

(SENATE WILL ELECT TWO)

Walter R. Davis
Claude DeBruhl
W. Kenneth Morgan
David J. Whichard, II

Signed,
S/ CHARLES E. VICKERY
*Chair, UNC Board of
Governors Committee*

Lieutenant Governor Green opens the floor to nominations. Receiving no additional nominations from the floor and upon motion of Senator Vickery, seconded by Representative Locklear, the nominations are closed.

The Joint Session remains convened for the purpose of confirming appointments by the Governor to the North Carolina Utilities Commission.

The President of the Senate directs the Reading Clerk of the Senate to read the following messages from the Governor:

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR

May 1, 1981

The Honorable James C. Green
President of the Senate
Lt. Governor of North Carolina
Legislative Building
Raleigh, North Carolina

Re: North Carolina Utilities Commission

Dear Mr. President:

Pursuant to the provisions of G. S. 62-10, I submit herewith to the General Assembly the names of Robert K. Koger and Edward B. Hipp whom I am recommending to be reappointed as members of the North Carolina Utilities Commission for a term beginning July 1, 1981 and expiring July 1, 1989.

Very truly yours,
S/ JAMES B. HUNT, JR.
Governor of North Carolina

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR

May 1, 1981

The Honorable Liston B. Ramsey
Office of the Speaker
North Carolina House of Representatives
Legislative Building
Raleigh, North Carolina

Re: North Carolina Utilities Commission

Dear Mr. Speaker:

Pursuant to the provisions of G. S. 62-10, I submit herewith to the General Assembly the names of Robert K. Koger and Edward B. Hipp whom I am recommending to be reappointed as members of the North Carolina Utilities Commission for a term beginning July 1, 1981 and expiring July 1, 1989.

Very truly yours,
S/ JAMES B. HUNT, JR.
Governor of North Carolina

Senator Johnson, Chairman of the Senate Committee on Public Utilities and Energy, and Representative Taylor, Chairman of the House Committee on Public Utilities, submit the following joint report:

The Honorable James C. Green
President of the Senate

The Honorable Liston B. Ramsey
Speaker of the House of Representatives

May 13, 1981

Dear Sirs:

In compliance with the provisions of G. S. 62-10 that nominees to fill positions on the Utilities Commission shall be subject to confirmation by the General Assembly in Joint Session, Governor Hunt has submitted for confirmation by the General Assembly the following names:

Mr. Robert K. Koger (to be reappointed for a term beginning July 1, 1981 and expiring July 1, 1989).

Mr. Edward B. Hipp (to be reappointed for a term beginning July 1, 1981 and expiring July 1, 1989).

Pursuant to **H. J. R. 984**, the House and Senate Committees on Public Utilities have considered the nominees and made the following recommendation to this Joint Session:

That the reappointments of Mr. Robert K. Koger and Mr. Edward B. Hipp be confirmed.

Respectfully submitted,
S/ JOSEPH E. JOHNSON
*Chairman, Senate Committee on
Public Utilities and Energy*

Respectfully submitted,
S/ RON TAYLOR
*Chairman, House Committee on
Public Utilities*

Senator Johnson moves that the Senate do confirm the appointment of Robert K. Koger, as a member of the North Carolina Utilities Commission. Representative Taylor moves that the House of Representatives do confirm the appointment of Robert K. Koger, as a member of the North Carolina Utilities Commission.

The President of the Senate orders that the roll of the Senate shall be called and thereafter, the roll of the House of Representatives after which the results of the vote of each Body shall be announced.

The motions to confirm the appointment of Robert K. Koger as a member of the North Carolina Utilities Commission prevail by the following roll-call votes:

Senate — ayes 49, noes 0, as follows: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wright — 49.

House of Representatives — ayes 118, noes 0, as follows: Representatives Adams, Allran, Almond, Anderson, Barbee, Barker, Barnes, Beam, Beard, Bell, Black, Blue, Brannan, Brawley, Brennan, Brown, Brubaker, Bumgardner, Bundy, Burnley, Chapin, Church, D. Clark, W. Clark, Coble, Cochrane, Colton, Cook, Craven, Crawford, Creecy, Diamont, Easterling, Economos, Edwards, Ellis, Enloe, Bob Etheridge, W. B. Ethridge, Evans, Fenner, Foster, Fulcher, Fussell, Gay, Gillam, Grady, Greenwood, Guy, Hackney, Harrison, Haworth, Hayden, Hege, Helms, Hiatt, Hightower, Holmes, B. Holt, C. Holt, C. Hughes, J. Hughes, J. Hunt, P. Hunt, R. Hunter, T. Hunter, Huskins, Hux, James, Jones, Jordan, Kaplan, Lacey, Lancaster, Ligon, Lilley, Locklear, Lutz, McAlister, McDowell, Mauney, Mavretic, Messer, Miller, Morgan, Musselwhite, Nash, Nesbitt, Nye, Parnell, Payne, Pegg, Plyler, Poovey, Pulley, Quinn,

Rabon, Radford, Ramsey, Redding, Rhodes, Robinson, Seymour, Smith, Spaulding, Spoon, Stamey, Tally, Taylor, Tennille, Thomas, B. Tison, H. Tyson, Warren, Watkins, Wicker, Woodard, and Wright — 118.

Having received a majority of votes of both houses, the appointment of Robert K. Koger as a member of the North Carolina Utilities Commission is confirmed.

Senator Johnson moves that the Senate do confirm the appointment of Edward B. Hipp, as a member of the North Carolina Utilities Commission. Representative Taylor moves that the House of Representatives do confirm the appointment of Edward B. Hipp, as a member of the North Carolina Utilities Commission.

The President of the Senate orders that the roll of the Senate shall be called and thereafter, the roll of the House of Representatives after which the results of the vote of each Body shall be announced.

The motions to confirm the appointment of Edward B. Hipp as a member of the North Carolina Utilities Commission prevail by the following roll-call votes:

Senate — ayes 49, noes 0, as follows: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wright — 49.

House of Representatives — ayes 116, noes 0, as follows: Representatives Adams, Allran, Almond, Anderson, Barbee, Barker, Barnes, Beam, Beard, Bell, Black, Blue, Brannan, Brawley, Brennan, Brown, Bumgardner, Bundy, Burnley, Chapin, Church, D. Clark, W. Clark, Coble, Cochrane, Colton, Cook, Craven, Crawford, Creecy, Diamont, Easterling, Economos, Edwards, Ellis, Bob Etheridge, W. B. Etheridge, Evans, Fenner, Foster, Fulcher, Fussell, Gay, Gillam, Grady, Greenwood, Guy, Hackney, Harrison, Haworth, Hayden, Hege, Helms, Hiatt, Hightower, Holmes, B. Holt, C. Holt, C. Hughes, J. Hughes, J. Hunt, P. Hunt, R. Hunter, T. Hunter, Huskins, Hux, James, Jones, Jordan, Kaplan, Lacey, Lancaster, Ligon, Lilley, Locklear, Lutz, McAlister, McDowell, Mauney, Mavretic, Messer, Miller, Morgan, Musselwhite, Nash, Nesbitt, Nye, Parnell, Payne, Pegg, Plyler, Poovey, Pulley, Quinn, Rabon, Radford, Ramsey, Redding, Rhodes, Robinson, Seymour, Smith, Spaulding, Spoon, Stamey, Tally, Taylor, Tennille, Thomas, B. Tison, H. Tyson, Warren, Watkins, Wicker, Woodard, and Wright — 116.

Having received a majority of votes of both houses, the appointment of Edward B. Hipp as a member of the North Carolina Utilities Commission is confirmed.

It is ordered by the President of the Senate that the Governor be notified of the action of the General Assembly, sitting in Joint Session, upon the confirmations of the appointments of Robert K. Koger and Edward B. Hipp as members of the North Carolina Utilities Commission.

On motion of Senator Lawing, the Joint Session is dissolved and pursuant to the motion heretofore made, the Senate returns to its Chamber.

The Senate resumes consideration of its regular business.

**ELECTION OF MEMBERS
TO THE UNIVERSITY BOARD OF GOVERNORS
OF THE UNIVERSITY OF NORTH CAROLINA**

Senator Vickery for the **University Board of Governors Committee** submits to the Senate the slate of nominees placed in Joint Session with the House of Representatives.

Pursuant to **S. J. R. 193**, House Committee Substitute for **S. J. R. 193**, a joint resolution to establish the procedure for nominating and electing members of the Board of Governors of the University of North Carolina, the Senate proceeds to vote by secret ballot.

The ballots are duly tabulated by Senator Vickery, Chairman of the Senate **University Board of Governors Committee** and Representative Locklear, Chairman of the House **University Board of Governors Nominating Committee**, and the results are announced as follows:

MINORITY RACE CATEGORY EIGHT YEAR SEAT

Geneva J. Bowe

WOMEN CATEGORY EIGHT YEAR SEAT

Julia Taylor Morton

AT-LARGE CATEGORY EIGHT YEAR SEAT

Walter R. Davis

David J. Whichard II

On motion of Senator Vickery, the above-named individuals are elected to the Board of Governors of the University of North Carolina by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garri-son, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wright — 47.

The President orders a special message sent to the House of Representatives informing that Honorable Body of such action.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Swain for the **Courts and Judicial Districts and Criminal Justice Committee**:

H. B. 789, a bill to allow the Criminal Justice Education and Training Standards Commission to extend probationary certification, with a favorable report.

By Senator Duncan for the **Finance Committee**:

S. B. 360, a bill to provide an individual income tax credit for child-care and other employment-related expenses, with a favorable report, as amended.

On motion of Senator Duncan, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Ways and Means Committee**.

S. B. 443, Committee Substitute for **S. B. 443**, a bill to provide for the management of hazardous and low-level radioactive waste in North Carolina, with a favorable report.

On motion of Senator Duncan, the Committee Substitute bill is placed on the Calendar for Friday, May 15.

H. B. 31, Committee Substitute for **H. B. 31**, a bill to clarify the exemption from property taxes for facilities inside a plant, by removing a requirement that the Department of Natural Resources and Community Development certify the facilities, with a favorable report, as amended.

H. B. 125, a bill to rewrite Article 8D of Chapter 105 of the General Statutes governing the taxation of savings and loan associations in North Carolina, with a favorable report.

On motion of Senator Duncan the bill is placed on the Calendar for Thursday, May 21.

H. B. 895, a bill to set higher maximum fees collectable by the Board of Barber Examiners, with a favorable report.

H. B. 924, a bill relating to search and handling fees charged nonresidents requesting genealogical information, so as to clarify a conflict between two laws on the same subject enacted by the 1979 General Assembly, with a favorable report.

By Senator Mathis for the **Insurance Committee**:

S. B. 423, a bill to provide a limit on liability under the North Carolina Life and Accident and Health Insurance Guaranty Association Act, with a favorable report, as amended.

By Senator Allsbrook for the **Judiciary I Committee**:

S. B. 393, a bill to repeal the New Generation Act, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Allsbrook, the rules are suspended and the Committee Substitute bill which changes the title to read **S. B. 393**, Committee Substitute for **S. B. 393**, a bill to rewrite Chapter 898, Session Laws of 1979, relating to more effective services to children and families in North Carolina, is placed before the Senate for immediate consideration.

On motion of Senator Allsbrook, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, May 18.

H. B. 174, a bill to provide defense of employees and officers of area mental health, mental retardation and substance abuse authorities and of the agencies with which the

area authority contracts for the provision of services, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Allsbrook, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Allsbrook, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, May 18.

By Senator Creech for the **Judiciary III Committee**:

S. B. 328, a bill to require a chemical test analyst to be available in District Court only on the defendant's request, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Creech, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Creech, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, May 15.

By Senator Marion for the **Local Government and Regional Affairs Committee**:

S. B. 526, a bill to repeal the authority of the Gaston County Board of Commissioners to abolish the Gaston County Police Force, with a favorable report.

S. B. 534, a bill to allow the Sheriff and Deputy Sheriffs of Cherokee County to purchase automobiles from State surplus, with a favorable report.

H. B. 436, a bill regarding competitive bidding by the Brunswick County Board of Education, with a favorable report.

H. B. 460, Committee Substitute for **H. B. 460**, a bill to change the manner of appointment of the Beaufort-Morehead City Airport Authority and to repeal special legislation dealing with bonds, with a favorable report.

H. B. 656, a bill to revise and consolidate the Charter of the City of Brevard and to repeal prior local acts, with a favorable report.

H. B. 679, a bill to provide that when vacancies occur on the Davidson County Board of Commissioners, the appointing authority must appoint the person recommended by the political party of the vacating member, with a favorable report.

H. B. 709, a bill to repeal Chapter 334, of the 1963 Session Laws and Chapter 919 of the 1967 Session Laws relating to the Office of Tax Collector in Northampton County, with a favorable report.

H. B. 729, a bill to amend Chapter 811 of the 1975 Session Laws of the State of North Carolina relating to the satellite corporate limits of Indian Beach, with a favorable report.

H. B. 857, a bill to amend G. S. 160A-299 to authorize municipalities to reserve utility improvements and easements in streets which are closed, with a favorable report.

H. B. 885, a bill to revise and consolidate the Charter of the Town of Waynesville and to repeal prior local acts, with a favorable report.

H. B. 901, a bill authorizing establishment of a recreation trust fund for the Town of Rutherfordton, with a favorable report.

H. B. 903, a bill to provide that the Wagram Town Board of Commissioners shall be elected for staggered two- and four-year terms, with a favorable report.

H. B. 918, a bill to allow the Cabarrus County Board of Education to pay its ten-month employees on or before the fifteenth day of each month, with a favorable report.

H. B. 961, a bill to allow Duplin County to use alternate condemnation procedures for certain easements in conjunction with the Limestone-Muddy Creek Watershed Project, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Creech:

S. B. 540, a bill to develop joint vocational educational programs in the public schools and community colleges.

Referred to **Higher Education Committee**.

By Senator Harris:

S. B. 541, a bill making flight after committing murder an aggravating factor for the purpose of imposing capital punishment.

Referred to **Judiciary I Committee**.

By Senators Hardison and Barnes:

S. B. 542, a bill to provide for separate designation of lienholders in property tax foreclosure actions.

Referred to **State Government Committee**.

By Senators Barnes, Rauch, Hancock, Harris, Marvin, and Frye:

S. B. 543, a bill regarding firearms and explosives at civil disorders.

Referred to **Judiciary III Committee**.

By Senator Wynne:

S. B. 544, a bill to give additional counties the authority to assume the direct control of the Board of Health, Social Services Board, Mental Health Area Board, or any other board established by the county.

Referred to **Human Resources Committee**.

By Senator Wynne:

S. B. 545, a bill to update and improve the going out of business sale law.

Referred to **Judiciary II Committee**.

By Senator Wynne:

S. B. 546, a bill to require that all accident and health insurance policies provide for coverage for treatment in tax-supported institutions.

Referred to **Insurance Committee**.

By Senators Gray, Lawing, Jenkins, Thomas of Henderson, Creech, Mathis, McDuffie, and Baker:

S. B. 547, a bill to increase the cigarette tax three cents per pack.
Referred to **Finance Committee**.

By Senators Gray, Jenkins, Mathis, and Baker:

S. B. 548, a bill to repeal the current cigarette tax and to impose a license tax on cigarette manufacturers.
Referred to **Finance Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 406, a bill to amend G. S. 15A-603 to require the judge at a preliminary hearing to advise an indigent defendant that if he is convicted and placed on probation he may become liable for costs of assigned counsel, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow, May 14.

H. B. 455, Committee Substitute for **H. B. 455**, a bill to change the name and restructure the State Library Committee.
Referred to **State Government Committee**.

H. B. 675, Committee Substitute for **H. B. 675**, a bill to allow the Secretary of Human Resources to suspend the authority of a nursing home or home for the aged to admit patients or residents where the conditions at the home are detrimental to health or safety.

Referred to **Human Resources Committee**.

H. B. 698, Committee Substitute for **H. B. 698**, a bill to allow the City of Marion to submit plans for water and sewer improvements without the seal of a registered professional engineer.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 778, Committee Substitute for **H. B. 778**, a bill to amend G. S. Chapter 7A to authorize recall for temporary service of justices and judges who have reached the mandatory retirement age.

Referred to **Courts and Judicial Districts and Criminal Justice Committee**.

H. B. 911, a bill to require that county boards of election file a copy of their precinct map with the State Board of Elections.

Referred to **Election Laws Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

(Senator Lawing presides over a portion of today's Session.)

S. B. 276, a bill to revise the Charter of the Town of Granite Falls, for concurrence in House Amendment No. 1, upon third reading.

On motion of Senator Kincaid, the Senate concurs in House Amendment No. 1 by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wright — 49.

The bill is ordered enrolled.

S. B. 306, a bill to provide for requesting and giving notice of a second primary, for concurrence in House Amendment No. 1.

Senator Warren moves that the Senate do not concur in House Amendment No. 1 and further moves that the President appoint conferees, which motion prevails.

The President appoints Senators Hardison, Chairman; McDuffie, and Warren as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S. B. 439, a bill to permit family care homes for handicapped people in all residential and other zoning districts, as amended, upon third reading.

Senator Jenkins offers Amendment No. 3 which is adopted.

Senator Redman offers Amendment No. 4 which fails of adoption.

Senator Swain offers Amendment No. 5 which is adopted.

Senator Allsbrook offers Amendments No. 6 and No. 7 which fail of adoption.

The bill, as amended, passes its third reading.

Senator Raynor requests to be recorded voting "aye."

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S. B. 451, a bill concerning pre-abortion requirements, as amended, upon third reading.

Senator Harris calls the previous question, seconded by Senator Rauch. The call is sustained.

The bill, as amended, passes its third reading.

Senator Raynor requests to be recorded voting "aye."

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S. B. 516, a bill to clarify landlord eviction remedies in residential tenancies.

Senator Barnes offers Amendment No. 1 which is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

H. B. 9, Committee Substitute for **H. B. 9**, a bill to rewrite the Alcoholic Beverage Control Laws, as amended, upon second reading.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 44, noes 4, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Jenkins, Jernigan, Johnson, Jordan, Lawing, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Henderson, Vickery, Walker, Ward, White, and Wright — 44.

Voting in the negative: Senators Harris, Kincaid, Marion, and Warren — 4.

The Committee Substitute bill, as amended, remains on the Calendar upon third reading.

H. B. 101, Committee Substitute No. 2 for **H. B. 101**, a bill to increase the priority amount the personal representative or clerk of court may pay from the estate of an intestate for funeral expenses.

Without objection, Senator Harris is excused from voting for the stated reason: "Direct conflict of interest."

The Committee Substitute bill No. 2 passes its second and third readings and is ordered enrolled.

H. B. 176, a bill regarding the use of ABC law enforcement funds in Scotland County.

On motion of Senator Garrison, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 237, Committee Substitute for **H. B. 237**, a bill to make Civil Procedure Rule 36's provisions on requests for admissions more equitable.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 261, a bill regarding beer elections in Yaupon Beach. The bill passes its second and third readings and is ordered enrolled.

Senator Marion requests to be recorded voting "no."

H. B. 263, a bill to alter the distribution of Yaupon Beach ABC profits.

The bill passes its second and third readings and is ordered enrolled.

H. B. 464, a bill regarding distribution of mixed beverage profits in New Hanover County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 775, Committee Substitute for **H. B. 775**, a bill to prohibit assaults and threats against general civil executive officers, the Speaker of the House, and the President Pro Tempore of the Senate.

The Committee Substitute bill passes its second reading.

On objection of Senator Rauch to its third reading, the Committee Substitute bill remains on the Calendar for further consideration.

H. B. 798, Committee Substitute for **H. B. 798**, a bill to clarify the conditions requiring use of amber-colored flashing lights on wreckers.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 856, a bill to amend G. S. 160A-299 to authorize municipalities to close streets within their extraterritorial jurisdiction.

On motion of Senator Kincaid, consideration of the bill is postponed until Thursday, May 14.

H. B. 861, a bill to authorize the retention of overcharges made due to a miscalculation of the ten dollars per four liters add-on.

The bill passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 263, Committee Substitute for **S. B. 263**, an act to authorize deferred prosecution in certain cases.

S. B. 274, an act to raise the minimum amount of weekly workers' compensation benefits.

S. B. 275, an act to increase the amount of funeral benefits in workers' compensation cases.

S. B. 330, an act to repeal Part 3, Article 10 of Chapter 143B of the General Statutes which established the Labor Force Development Council.

S. B. 387, an act to provide attorney fees and costs to principals or teachers sued in corporal punishment cases.

H. B. 557, an act to increase the maximum fine for littering in Mecklenburg County.

H. B. 633, an act to amend the Charter of the City of Wilmington regarding water supply and sewage disposal and local improvements.

H. B. 635, an act to amend the Charter of the City of Wilmington to permit payments in lieu of dedication of land or actual construction of required improvements in the approval of subdivisions.

H. B. 851, an act to amend the North Carolina compulsory meat inspection law to conform to changes in federal law requiring certain humane methods of slaughter as a condition of granting meat inspection.

On motion of Senator Lawing, seconded by Senator Speed, the Senate adjourns to meet tomorrow at 2:30 P.M.

EIGHTY-SIXTH DAY

SENATE CHAMBER,
Thursday, May 14, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"God Our Father, once again we have been reminded most brutally of the fragile nature of human existence, and of man's inhumanity to man. We pray Your healing protection for Your servant John Paul, and for all people who have been the victims of violence. Help us to understand the forces at work within us and human society that lead some persons to such violent action; and to work, as citizens, as legislators, as people of faith, to hasten the day when violence and crying shall end, and all your children shall be able to live without fear. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senators Ballenger, Duncan, and Redman for today and to Senators Mathis and Duncan for tomorrow, May 15.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S. J. R. 193

House of Representatives
May 13, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to **S. J. R. 193**, a joint resolution to establish the procedure for nominating and electing members of the Board of Governors of the University of North Carolina, the House of Representatives has elected the following members:

AT-LARGE CATEGORY FOR EIGHT YEAR TERM

Phil Carson
Phillip Haire
William Woltz

MINORITY CATEGORY EIGHT YEAR TERM

Asa T. Spaulding, Jr.

WOMEN'S CATEGORY FOUR YEAR TERM

Martha McNair

Respectfully,
GRACE COLLINS
Principal Clerk

RE-REFERRAL

S. B. 524, a bill to provide liability insurance coverage for the law enforcement officers and law enforcement support personnel employed by the State.

Without objection, the Chair directs that the bill be taken from the **Insurance Committee** and re-referred to the **Appropriations Committee**.

H. B. 174, Senate Committee Substitute for **H. B. 174**, a bill to provide defense of employees and officers of area mental health, mental retardation and substance abuse authorities and of the agencies with which the area authority contracts for the provision of services.

On motion of Senator Allsbrook the Senate Committee Substitute bill is taken from the Calendar for Monday, May 18 and is recommitted to the **Judiciary I Committee**.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

May 14, 1981

By Senator Mathis for the **Insurance Committee**:

S. B. 449, a bill to establish minimum standards for Medicare supplement insurance, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Mathis, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Mathis, the Committee Substitute bill is adopted, and on her further motion is placed on the Calendar for Monday, May 18.

By Senator Soles for the **Judiciary II Committee**:

H. B. 73, Committee Substitute for **H. B. 73**, a bill to amend G. S. 50-13.4 to make the father and the mother primarily liable for support, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, May 18.

H. B. 506, a bill to raise the year's allowances for a surviving spouse and children, with a favorable report.

H. B. 779, a bill to amend G. S. Chapter 9 to facilitate the juror selection process, with a favorable report, as amended.

H. B. 869, a bill to permit judges to set aside convictions entered pursuant to G. S. 20-24c(1) through c(3), with a favorable report.

By Senator Creech for the **Judiciary III Committee**:

S. B. 260, a bill to make the laws of perjury and falsification enforceable, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Creech, the rules are suspended and the Committee Substitute bill which changes the title to read **S. B. 260**, Committee Substitute for **S. B. 260**, a bill to make the law of perjury enforceable and add a new offense of false swearing, is placed before the Senate for immediate consideration.

On motion of Senator Creech, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, May 18.

By Senator Barnes for the **State Government Committee**:

H. B. 195, Committee Substitute for **H. B. 195**, a bill to establish a Work Options Program for State Employees, with a favorable report, as amended.

H. B. 269, Committee Substitute for **H. B. 269**, a bill to prohibit the use of citation quotas by the State Highway Patrol, with a favorable report, as amended.

By Senator Palmer for the **Veterans and Military Affairs Committee**:

H. B. 572, Committee Substitute No. 2 for **H. B. 572**, a bill requiring local boards of education to charge tuition, with a favorable report.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S. B. 306

House of Representatives
May 14, 1981

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Amendment to **S. B. 306**, a bill to be entitled an act to provide for requesting and giving notice of a second primary, the Speaker has appointed as conferees on the part of the House, Representatives Douglas Clark, Adams, and Lancaster to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
GRACE COLLINS
Principal Clerk

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Vickery:

S. B. 549, a bill to eliminate the common law requirement that a deed must be sealed to be valid.

Referred to **Judiciary III Committee**.

By Senator Vickery:

S. B. 550, a bill to require the Board of Trustees of the Retirement System to provide psychiatric care medical insurance for teachers and State employees.

Referred to **Pensions and Retirement Committee**.

Senator Barnes moves that Rule 41 be suspended to allow the introduction and referral to committee of the following joint resolution which motion prevails by a two-thirds majority vote.

By Senator Barnes:

S. J. R. 551, a joint resolution terminating the Criminal Code Commission.

Referred to **Rules and Operation of the Senate Committee**.

Senator Jordan moves that Rule 40 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Jordan:

S. B. 552, a bill to amend the business opportunity sales law.

Referred to **Judiciary II Committee**.

May 14, 1981

By Senators Hardison and Royall:

S. B. 553, a bill to amend G. S. 24-1.1A relating to contract rates on home loans secured by first mortgages or first deeds of trust.

Referred to **Banking Committee**.

By Senators Harrington, Duncan, Hardison, Jordan, Lawing, and Royall:

S. B. 554, a bill to increase the gasoline tax, the special fuels tax, and the tax on carriers using fuels purchased outside the State; to increase Powell Bill funds for municipalities; to provide for construction of secondary roads; to provide a motor fuel tax refund; to transfer sales and use taxes on motor vehicle parts, accessories and lubricants to the Highway Fund; to increase motor vehicles fees; to increase the registration fees on property hauling vehicles; and to establish fees for oversize and overweight vehicles.

Referred to **Transportation Committee**.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S. B. 24, House Committee Substitute for Committee Substitute No. 2 for **S. B. 24**, a bill for equitable distribution of marital property, for concurrence in the House Committee Substitute bill.

Referred to **Judiciary III Committee**.

H. B. 75, Committee Substitute for **H. B. 75**, a bill for equitable distribution of marital property.

Referred to **Judiciary III Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 170, a bill to extend the hours during which the intentional sweeping of game lands with lights and the intentional shining of lights on deer are prohibited in Alamance, Cabarrus, Randolph, Rockingham, Rowan, and Wilkes Counties, for concurrence in House Amendments No. 1 and No. 2 which are placed on the Calendar for tomorrow, May 15.

H. B. 179, a bill to make technical amendments to Chapters 14 and 122 of the General Statutes to clarify procedures for the handling of the public inebriate and chronic alcoholics.

Referred to **Human Resources Committee**.

H. B. 529, a bill to make the utility company, rather than the Contingency and Emergency Fund, the source of funds for the Public Staff for outside assistance in Commission proceedings.

Referred to **Public Utilities and Energy Committee**.

H. B. 530, a bill to make rate-setting hearings nonmandatory when there is no significant public protest and all parties are in agreement.

Referred to **Public Utilities and Energy Committee**.

H. B. 568, a bill to amend Chapter VII of the Charter of the City of Charlotte relating to the establishment of a spay/neuter clinic and to levy a differential license tax.

Referred to **Finance Committee**.

H. B. 814, a bill to clarify the licensing of homes for the aged, disabled and infirm.

Referred to **Human Resources Committee**.

H. B. 815, a bill to authorize representatives of the Department of Human Resources who are empowered to inspect certain facilities to have access to confidential medical records and information pertaining to the patients or residents of those facilities.

Referred to **Human Resources Committee**.

H. B. 920, a bill to amend the speedy trial law.

Referred to **Courts and Judicial Districts and Criminal Justice Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

(Senator Royall presides over a portion of today's Session.)

S. B. 406, a bill to amend G. S. 15A-603 to require the judge at a preliminary hearing to advise an indigent defendant that if he is convicted and placed on probation he may become liable for costs of assigned counsel, for concurrence in House Amendment No. 1.

On motion of Senator Barnes, the Senate concurs in House Amendment No. 1 and the bill is ordered enrolled.

S. B. 423, a bill to provide a limit on liability under the North Carolina Life and Accident and Health Insurance Guaranty Association Act.

On motion of Senator Wynne, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 526, a bill to repeal the authority of the Gaston County Board of Commissioners to abolish the Gaston County Police Force.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 534, a bill to allow the Sheriff and Deputy Sheriffs of Cherokee County to purchase automobiles from State surplus.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H. B. 9, Committee Substitute for **H. B. 9**, a bill to rewrite the Alcoholic Beverage Control Laws, as amended, upon third reading.

Senator Marion offers Amendments No. 3, No. 4, and No. 5 which fail of adoption.

Senator Marion offers Amendment No. 6 which is adopted.

Senator Marion offers Amendment No. 7 which fails of adoption.

Senator Marion offers Amendment No. 8 which is adopted.

Senator Marion offers Amendment No. 9 which fails of adoption.

Senator Swain offers Amendment No. 10 which is adopted.

Senator Vickery moves that the votes by which Amendment No. 10, was adopted and Amendment No. 9, failed of adoption be reconsidered, which motions prevail.

Senator Walker moves that the vote by which Amendment No. 8 was adopted be reconsidered, which motion prevails.

Senator Vickery moves that the votes by which Amendment No. 7 failed of adoption be reconsidered, which motion prevails.

Senator Mathis moves that the vote by which Amendment No. 6 was adopted be reconsidered, which motion prevails.

Without objection, Senator Marion withdraws Amendment No. 6 and Amendment No. 7.

Senator Marion moves that Amendment No. 8 previously offered be adopted, which motion prevails.

Without objection, Senator Marion withdraws Amendment No. 9.

Senator Swain moves that Amendment No. 10 previously offered be adopted, which motion prevails.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote ayes 42, noes 1, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Jordan, Marvin, Mathis, McDuffie, Noble, Palmer, Rauch, Raynor, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 42.

Voting in the negative: Senator Marion — 1.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1, No. 2, No. 8, and No. 10, without objection, by Special Messenger.

H. B. 31, Committee Substitute for **H. B. 31**, a bill to clarify the exemption from property taxes for facilities inside a plant, by removing a requirement that the Department of Natural Resources and Community Development certify the facilities, upon second reading.

Without objection, the Chair directs that the Committee Substitute bill be re-referred to the **Ways and Means Committee**.

H. B. 336, Senate Committee Substitute for Committee Substitute for **H. B. 336**, a bill to recodify Chapter 115 of the General Statutes, Elementary and Secondary Education, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Jordan, Marvin, Mathis, McDuffie, Noble, Palmer, Rauch, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 39.

The Senate Committee Substitute bill remains on the Calendar, upon third reading.

H. B. 436, a bill regarding competitive bidding by the Brunswick County Board of Education.

The bill passes its second and third readings and is ordered enrolled.

H. B. 460, Committee Substitute for **H. B. 460**, a bill to change the manner of appointment of the Beaufort-Morehead City Airport Authority and to repeal special legislation dealing with bonds.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 656, a bill to revise and consolidate the Charter of the City of Brevard and to repeal prior local acts, upon second reading.

The bill passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Frye, Garrison, Gray, Hancock, Harrington, Harris, Jenkins, Jernigan, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, Mills, Noble, Rauch, Raynor, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wynne — 41.

The bill remains on the Calendar, upon third reading.

H. B. 679, a bill to provide that when vacancies occur on the Davidson County Board of Commissioners, the appointing authority must appoint the person recommended by the political party of the vacating member.

The bill passes its second and third readings and is ordered enrolled.

H. B. 709, a bill to repeal Chapter 334 of the 1963 Session Laws and Chapter 919 of the 1967 Session Laws relating to the Office of Tax Collector in Northampton County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 729, a bill to amend Chapter 811 of the 1975 Session Laws of the State of North Carolina relating to the satellite corporate limits of Indian Beach.

The bill passes its second and third readings and is ordered enrolled.

H. B. 775, Committee Substitute for **H. B. 775**, a bill to prohibit assaults and threats against general civil executive officers, the Speaker of the House, and the President Pro Tempore of the Senate, upon third reading.

Senator Rauch offers Amendments No. 1 and No. 2 which are adopted.

The Committee Substitute bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

H. B. 789, a bill to allow the Criminal Justice Education and Training Standards Commission to extend probationary certification.

The bill passes its second and third readings and is ordered enrolled.

H. B. 856, a bill to amend G. S. 160A-299 to authorize municipalities to close streets within their extraterritorial jurisdiction.

The bill passes its second and third readings and is ordered enrolled.

H. B. 857, a bill to amend G. S. 160A-299 to authorize municipalities to reserve utility improvements and easements in streets which are closed.

The bill passes its second and third readings and is ordered enrolled.

H. B. 885, a bill to revise and consolidate the Charter of the Town of Waynesville and to repeal prior local acts, upon second reading.

Senator Thomas of Henderson offers Amendment No. 1 which is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Jordan, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 44.

The bill, as amended, remains on the Calendar upon third reading.

H. B. 895, a bill to set higher maximum fees collectable by the Board of Barber Examiners, upon second reading.

The bill passes its second reading by roll-call vote, ayes 36, noes 3, as follows:

Voting in the affirmative: Senators Allred, Allsbrook, Baker, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Jordan, Marvin, Mathis, McDuffie, Noble, Palmer, Rauch, Royall, Soles, Smith, Swain, Thomas of Craven, Vickery, Walker, Warren, White, Wright, and Wynne — 36.

Voting in the negative: Senators Alford, Daniels, and Speed — 3.

The bill remains on the Calendar upon third reading.

H. B. 901, a bill authorizing establishment of a recreation trust fund for the Town of Rutherfordton.

The bill passes its second and third readings and is ordered enrolled.

H. B. 903, a bill to provide that the Wagram Town Board of Commissioners shall be elected for staggered two- and four-year terms.

The bill passes its second and third readings and is ordered enrolled.

H. B. 918, a bill to allow the Cabarrus County Board of Education to pay its ten-month employees on or before the fifteenth day of each month.

The bill passes its second and third readings and is ordered enrolled.

H. B. 924, a bill relating to search and handling fees charged nonresidents requesting genealogical information, so as to clarify a conflict between two laws on the same subject enacted by the 1979 General Assembly.

The bill passes its second and third readings and is ordered enrolled.

H. B. 961, a bill to allow Duplin County to use alternate condemnation procedures for certain easements in conjunction with the Limestone-Muddy Creek Watershed Project, upon second reading.

The bill passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Frye, Garrison, Gray, Hancock, Harrington, Harris, Jenkins, Jernigan, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, Mills, Noble, Rauch, Raynor, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wynne — 41.

The bill remains on the Calendar, upon third reading.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

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S. B. 276, an act to revise the Charter of the Town of Granite Falls.

S. B. 350, an act to accommodate federal preemption of State laws regulating the feeding of garbage to swine.

S. B. 401, an act to repeal the double sunset provision on the Radiation Protection Act.

S. B. 413, an act relating to insurance premium financing.

H. B. 101, Committee Substitute No. 2 for **H. B. 101**, an act to increase the priority amount the personal representative or clerk of court may pay from the estate of an intestate for funeral expenses.

H. B. 237, Committee Substitute for **H. B. 237**, an act to make Civil Procedure Rule 36's provisions on requests for admissions more equitable.

H. B. 261, an act regarding beer elections in Yaupon Beach.

H. B. 263, an act to alter the distribution of Yaupon Beach ABC profits.

H. B. 363, Committee Substitute for **H. B. 363**, an act to authorize the Department of Revenue to give information obtained by it to local tax authorities to assist them in collecting county and municipal taxes.

H. B. 464, an act regarding distribution of mixed beverage profits in New Hanover County.

H. B. 723, Committee Substitute for **H. B. 723**, an act to repeal certain provisions in local acts relating to wildlife conservation in Pender County so that the general laws and regulations governing those matters will apply in Pender County.

H. B. 798, Committee Substitute for **H. B. 798**, an act to clarify the conditions requiring use of amber-colored flashing lights on wreckers.

H. B. 861, an act to authorize the retention of overcharges made due to a miscalculation of the ten dollars per four liters add-on.

On motion of Senator Royall, seconded by Senator Gray, the Senate adjourns to meet tomorrow at 11:00 A.M.

EIGHTY-SEVENTH DAY

SENATE CHAMBER,
Friday, May 15, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Gracious God, we confess today our need for Your mercy, for we know how often we have sinned and fallen short of Your expectations of us; in wasting and misusing Your gifts; in turning away from neighbors in need; in trusting in our own abilities rather than relying on Your power. Forgive us, O Lord, according to Your tender mercies, and raise

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up in us a new appreciation for discovering and doing Your will. Grant us safe travel and a holy rest in the weekend ahead, and keep us always aware of Your Spirit's presence with us as a source of strength, wisdom, energy and power for accomplishing the tasks You have set before us. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senators Jordan, Kincaid, Mathis, and McDuffie for today, to Senator Royall for Monday, May 18, who will be attending a meeting of the Executive Committee of the National Conference of State Legislatures in Portland, Oregon, and to Senator Lawing for Monday and Tuesday, May 18 and 19. A leave of absence granted previously to Senator Duncan is noted.

RE-REFERRAL

S. B. 554, a bill to increase the gasoline tax, the special fuels tax, and the tax on carriers using fuels purchased outside the State; to increase Powell Bill funds for municipalities; to provide for construction of secondary roads; to provide a motor fuel tax refund; to transfer sales and use taxes on motor vehicle parts, accessories and lubricants to the Highway Fund; to increase motor vehicles fees; to increase the registration fees on property hauling vehicles; and to establish fees for oversize and overweight vehicles.

On motion of Senator Harrington the bill is taken from the **Transportation Committee** and re-referred to the **Finance Committee**.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harris for the **Human Resources Committee**:

S. B. 397, a bill to provide corneal tissue for transplant, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Harris, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Harris, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, May 19.

H. B. 456, a bill to amend the provisions on access to public assistance and social services records, with a favorable report.

H. B. 457, a bill to amend the provisions for public assistance appeals, with a favorable report.

By Senator Jernigan for the **Manufacturing, Labor and Commerce Committee**:

S. B. 508, a bill to expand the disqualification of claimants for unemployment benefits who refuse suitable work without good cause, with a favorable report.

H. B. 659, a bill to provide statewide workers' compensation for deputy sheriffs, with a favorable report.

By Senator Lawing for the **Rules and Operation of the Senate Committee**:

S. J. R. 533, a joint resolution memorializing Congress to study the expansion of the jurisdiction of the Federal Reserve Board to include money market funds for the purpose of implementing national economic and monetary policy, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Rauch, Harris, and Marvin:

S. B. 555, a bill to allow counties to abate public health nuisances.
Referred to **Judiciary II Committee**.

By Senators Rauch, Harris, and Marvin:

S. B. 556, a bill to provide for compensation to insurance agents for assistance with recoupment surcharges.
Referred to **Insurance Committee**.

By Senators Allred, Boger, and McDuffie:

S. B. 557, a bill to require the Department of Transportation to publicize and hold public hearings before the construction of any major projects.
Referred to **Transportation Committee**.

By Senator Vickery:

S. B. 558, a bill regarding regulation of the purchase of handguns.
Referred to **Judiciary II Committee**.

By Senators Barnes, Allred, Cavanagh, and Wright:

S. B. 559, a bill to encourage gifts of historic properties to certain charitable entities by permitting income tax deductions therefor.
Referred to **Finance Committee**.

By Senator Barnes:

S. B. 560, a bill to amend Article 1 of Chapter 87 of the General Statutes as the same relates to builders of residential housing.
Referred to **State Government Committee**.

Senator Rauch moves that Rule 40 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Rauch, Harris, and Marvin:

S. B. 561, a bill to enable the City of Gastonia to establish an Airport Authority for the maintenance and operation of airport facilities in Gaston County.
Referred to **Local Government and Regional Affairs Committee**.

By Senator Hardison:

S. B. 562, a bill to authorize compensation for constitutional officers of the State on the same terms as other State employees.

Referred to **Pensions and Retirement Committee**.

By Senators Wynne, Mathis, Lawing, Royall, Ballenger, Duncan, McDuffie, Harris, Hardison, Mills, Marion, Johnson, Jordan, Marvin, Gray, Jernigan, Garrison, Creech, Smith, Barnes, Baker, Kincaid, Redman, Cockerham, Cavanagh, Thomas of Henderson, Boger, and Allred:

S. B. 563, a bill to provide for independent action by and reasonable price competition among automobile and property insurers and the regulation and monitoring thereof.

Referred to **Insurance Committee**.

By Senator Walker:

S. B. 564, a bill to appropriate funds for the administration of the North Carolina Waste Management Program.

Referred to **Appropriations Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 369, a bill to provide a fixed pay date for public school employees of the Kings Mountain, Shelby and Cleveland County School Administrative Units, for concurrence in the House Amendment, which is placed on the Calendar for Monday, May 18.

H. B. 95, Committee Substitute for **H. B. 95**, a bill to provide judicial review of a psychiatrist's determination to release an involuntarily committed mental patient who has committed violent acts.

Referred to **Human Resources Committee**.

H. B. 624, a bill to allow intergovernmental sales or leases of real or personal property without procedural restriction where New Hanover County or a city or town within that County is a party.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 625, a bill to allow New Hanover County ordinances regulating waste disposal to apply countywide.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 631, a bill to amend the Charter of the City of Wilmington concerning the procedure to be followed in exercising the power of eminent domain.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 647, a bill to amend the Charter of the City of Wilmington to authorize economic development projects.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 761, a bill to authorize a corporate income tax credit for construction of a photovoltaic equipment facility.

Referred to **Finance Committee**.

H. B. 821, a bill to clarify the authority of the Department of Human Resources to operate the North Carolina School for the Deaf at Morganton and the Eastern North Carolina School for the Deaf at Wilson.

Referred to **Human Resources Committee**.

H. B. 835, a bill to appropriate funds to the Department of Cultural Resources for a grant to the Carolina Theatre in Greensboro.

Referred to **Appropriations Committee**.

H. B. 862, a bill to clarify when a court can award possession of the house as a part of child support.

Referred to **Judiciary II Committee**.

H. B. 868, a bill to provide for the production and sale of biologics for the treatment of animals in North Carolina.

Referred to **Agriculture Committee**.

H. B. 927, a bill to provide a supplemental retirement fund for firemen in the Town of Farmville and to modify the application of G. S. 118-5, 118-6 and 118-7 to the Town of Farmville.

Referred to **Pensions and Retirement Committee**.

H. B. 928, a bill to provide that an act of the majority of the directors of an electric membership corporation present at a meeting at which a quorum is present is an act of the board.

Referred to **Public Utilities and Energy Committee**.

H. B. 1007, a bill to require consent of the Sampson County Board of Commissioners before land in that County may be condemned or acquired by a unit of local government outside Sampson County.

Referred to **Local Government and Regional Affairs Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 170, a bill to extend the hours during which the intentional sweeping of game lands with lights and the intentional shining of lights on deer are prohibited in Alamance, Cabarrus, Randolph, Rockingham, Rowan, and Wilkes Counties, for concurrence in House Amendments No. 1 and No. 2.

On motion of Senator Boger, the Senate concurs in House Amendments No. 1 and No. 2 and the bill is ordered enrolled.

S. B. 328, Committee Substitute for **S. B. 328**, a bill to require a chemical test analyst to be available in District Court only on the defendant's request.

On motion of Senator Swain, the Committee Substitute bill is re-referred to the **Courts and Judicial Districts and Criminal Justice Committee**.

S. B. 443, Committee Substitute for **S. B. 443**, a bill to provide for the management of hazardous and low-level radioactive waste in North Carolina, upon second reading.

Senator Hancock offers Amendment No. 1 which is adopted.

Senator Hancock offers Amendment No. 2.

Senator Thomas of Henderson offers a motion to postpone consideration of the Committee Substitute bill, as amended, with pending Amendment No. 2, until Friday, May 22.

Without objection, the Chair rules that the Committee Substitute bill, as amended, with pending Amendment No. 2, be recommitted to the **Human Resources Committee**. On motion of Senator Allsbrook, the rules are suspended to allow the **Human Resources Committee** to meet for the purpose of considering Committee Substitute for **S. B. 443** on Tuesday, May 19, at 12M.

H. B. 195, Committee Substitute for **H. B. 195**, a bill to establish a Work Options Program for State Employees.

On motion of Senator Hancock, Committee Amendment No. 1 is adopted, and on his further motion the Committee Substitute bill, as amended, is re-referred to the **Appropriations Committee**.

H. B. 269, Committee Substitute for **H. B. 269**, a bill to prohibit the use of citation quotas by the State Highway Patrol.

On motion of Senator Lawing, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 336, Senate Committee Substitute for Committee Substitute for **H. B. 336**, a bill to recodify Chapter 115 of the General Statutes, Elementary and Secondary Education, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Frye, Garrison, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Johnson, Lawing, Marion, Marvin, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 43.

The Senate Committee Substitute bill is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute by Special Messenger.

H. B. 506, a bill to raise the year's allowances for a surviving spouse and children. The bill passes its second and third readings and is ordered enrolled.

H. B. 572, Committee Substitute No. 2 for **H. B. 572**, a bill requiring local boards of education to charge tuition, upon second reading.

Without objection, the Chair directs that the Committee Substitute bill No. 2 be re-referred to the **Finance Committee**.

H. B. 656, a bill to revise and consolidate the Charter of the City of Brevard and to repeal prior local acts, upon third reading.

The bill passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Frye, Garrison, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Johnson, Lawing, Marion, Marvin, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Walker, Ward, Warren, White, Wright, and Wynne — 41.

The bill is ordered enrolled.

H. B. 779, a bill to amend G. S. Chapter 9 to facilitate the juror selection process. On motion of Senator Soles, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 869, a bill to permit judges to set aside convictions entered pursuant to G. S. 20-24c(1) through c(3).

The bill passes its second and third readings and is ordered enrolled.

H. B. 885, a bill to revise and consolidate the Charter of the Town of Waynesville and to repeal prior local acts, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Frye, Garrison, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Johnson, Lawing, Marion, Marvin, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Walker, Ward, Warren, White, Wright, and Wynne — 41.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 895, a bill to set higher maximum fees collectable by the Board of Barber Examiners, upon third reading.

On motion of Senator Rauch, consideration of the bill is postponed until Monday, May 18.

H. B. 961, a bill to allow Duplin County to use alternate condemnation procedures for certain easements in conjunction with the Limestone-Muddy Creek Watershed Project, upon third reading.

The bill passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Frye, Garrison, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Johnson, Lawing, Marion, Marvin, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Walker, Ward, Warren, White, Wright, and Wynne — 41.

The bill is ordered enrolled.

On motion of Senator Lawing, seconded by Senator Allsbrook, the Senate adjourns to meet Monday at 8:00 P.M.

EIGHTY-EIGHTH DAY

SENATE CHAMBER,
Monday, May 18, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

May 18, 1981

"Gracious God Our Father, as we gather here tonight we are conscious of the work that remains before us and of our need for Your continued guidance as we seek to do Your will among the people. We freely acknowledge our need for Your watchful care, for if left to our own devices we do not have sufficient strength and wisdom to meet the overwhelming problems of our age. Do not let us despair, O Lord, but do cause us to be realistic in facing up to the hard choices we must make in all areas of life, and grant that, by Your Spirit, we may conquer all those forces that undermine the human spirit and keep us from reaching our full potential as Your created children. Amen."

Senator Royall for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

A leave of absence granted previously to Senator Lawing is noted. Senator Royall is noted present.

The President recognizes the following pages serving in the Senate this week: Sherrod Banks, Edenton; Mary Elizabeth Blanton, Kings Mountain; Lynda Anne Carson, Raleigh; Darrell B. Cayton, Jr., Aurora; Susan Elizabeth Cieszko, Havelock; John Tazewell Cooper, Windsor; Mary Theresa Federle, Statesville; Catherine Anne Garrison, Burlington; Richard Benjamin Geddie, Fayetteville; Felisha B. Hargett, Trenton; Pamela Jean Harris, Burlington; Frederick L. Ivey, Raleigh; Wanda Michelle Jiles, Raleigh; Leigh Anne Jones, Raleigh; Timothy Craig Matthews, Dunn; William Allen Pridgen, Charlotte; Anne Battle Ragsdale, Jacksonville; Kathryn Marlene Redman, Statesville; Aaron Douglas Samples, Charlotte; Kevin H. Sharpe, Statesville; Valerie Alene Tew, Albertson; and Rose-Marie Weatherford, Youngsville.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Speed, Alford, Jenkins, Swain, and Soles:

S. B. 565, a bill to amend the law pertaining to adoption of adults.

Referred to **Judiciary II Committee**.

By Senators Thomas of Craven, Jenkins, Lawing, Noble, Walker, Thomas of Henderson, Baker, Marion, Swain, Mathis, Alford, Harrington, Daniels, Wynne, Garrison, Harris, Jernigan, Creech, Rauch, Wright, Barnes, Smith, Kincaid, Allred, Boger, Frye, Cockerham, Cavanagh, and Clarke:

S. B. 566, a bill to appropriate funds to maintain the level of the grants-in-aid to the private child-caring institutions.

Referred to **Appropriations Committee**.

By Senators Jenkins, Thomas of Craven, Speed, Alford, Lawing, Soles, Raynor, Vickery, Mathis, Swain, Rauch, Walker, Hancock, Palmer, Jordan, Warren, Ward, Hardison, Allsbrook, Barnes, Daniels, and Harrington:

S. B. 567, a bill to create a new article to Chapter 66 to prevent fraud and abuse by discount buying clubs.

Referred to **Judiciary II Committee**.

By Senators Clarke, Harris, Royall, Boger, White, Garrison, Allsbrook, Smith, and Hardison:

S. B. 568, a bill to amend, subject to the approval of the electorate, Article V of the Constitution of North Carolina to authorize the issuance of revenue bonds to finance and refinance higher education facilities owned by nonprofit corporations.

Referred to **Constitutional Amendments Committee**.

By Senators Clarke, Harris, Royall, Boger, Garrison, Allsbrook, Smith, and Hardison:

S. B. 569, a bill creating the North Carolina Educational Facilities Finance Agency and authorizing said Agency to finance, refinance, construct, provide and acquire and otherwise undertake higher educational facilities.

Referred to **Constitutional Amendments Committee**.

By Senators Swain, Duncan, Lawing, Jernigan, Raynor, McDuffie, Gray, Walker, Cavanagh, Hancock, Clarke, Jenkins, Speed, Alford, Soles, Mathis, Thomas of Craven, Frye, Thomas of Henderson, Palmer, Harrington, Allsbrook, White, Ward, Barnes, Vickery, Harris, Smith, Rauch, Marvin, Noble, Daniels, Boger, Wynne, Baker, and Creech:

S. B. 570, a bill to appropriate funds for deferred prosecution and community service restitution for youthful and adult offenders.

Referred to **Appropriations Committee**.

By Senator Noble:

S. B. 571, a bill to transfer and reorganize the North Carolina Housing Finance Agency.

Referred to **State Government Committee**.

By Senator McDuffie:

S. B. 572, a bill to amend the Constitution of North Carolina to provide that terms of legislators begin on January first following their election.

Referred to **Constitutional Amendments Committee**.

By Senator Soles:

S. B. 573, a bill to establish the North Carolina Commission on Security and Privacy of Computerized Criminal History Record Information.

Referred to **Judiciary II Committee**.

By Senators Marvin, Ward, Mills, Garrison, Warren, Jordan, Hancock, Hardison, Royall, Redman, Harris, Rauch, Jernigan, Duncan, Gray, Alford, Speed, Jenkins, Mathis, Thomas of Henderson, Smith, Cavanagh, Thomas of Craven, Clarke, Boger, Creech, Cockerham, Wright, and Allred:

S. B. 574, a bill concerning the visitation rights of grandparents.

Referred to **Judiciary III Committee**.

By Senator Harris:

S. B. 575, a bill to provide funds sufficient to maintain the current level of services for alcohol and drug programs.

Referred to **Appropriations Committee**.

By Senator Johnson:

S. B. 576, a bill regarding loan brokers.

Referred to **Banking Committee**.

By Senator Johnson:

S. B. 577, a bill to assess a fee for each nuclear electric generating plant located in North Carolina for the purpose of deferring the costs of planning emergency response as required by the Federal Emergency Management Agency.

Referred to **Public Utilities and Energy Committee**.

By Senators Hancock, Royall, Redman, and Daniels:

S. B. 578, a bill to repeal the Optometric Drug Use Law.

Referred to **Human Resources Committee**.

By Senator Wynne:

S. B. 579, a bill to amend the law relating to the renewability of individual and blanket hospitalization and accident and health insurance policies.

Referred to **Insurance Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 279, Committee Substitute for **H. B. 279**, a bill to amend Chapter 88 of the General Statutes pertaining to the practice of cosmetic art.

Referred to **State Government Committee**.

H. B. 313, Committee Substitute No. 2 for **H. B. 313**, a bill to improve the laws relating to the collection of money judgments and the exemptions, Part 3, Exemptions.

Referred to **Small Business Committee**.

H. B. 573, a bill to clarify the definition of a nonresident for purposes of the reciprocal provision as to arrest of nonresidents for motor vehicle violations.

Referred to **Transportation Committee**.

H. B. 662, Committee Substitute for **H. B. 662**, a bill to provide for a uniform municipal license tax ceiling on motor vehicles.

Referred to **Finance Committee**.

H. B. 684, a bill to authorize a corporate income tax credit for construction of an olivine brick facility.

Referred to **Finance Committee**.

H. B. 750, a bill to amend G. S. 143B-153 to require the Social Services Commission to establish standards and adopt rules and regulations for payment of State funds to private child-caring institutions.

Referred to **Human Resources Committee**.

H. B. 753, a bill to make clarifying and technical changes to the Juvenile Code.

Referred to **Judiciary II Committee**.

H. B. 782, a bill to amend the Constitution of North Carolina to authorize the General Assembly to provide for a direct appeal from the North Carolina Utilities Commission to the Supreme Court.

Referred to **Constitutional Amendments Committee**.

H. B. 784, a bill to amend G. S. Chapters 7A and 15A to limit review of decisions of the Court of Appeals on certain motions for appropriate relief.

Referred to **Judiciary II Committee**.

H. B. 872, a bill to amend the General Statutes relating to appointments by public bodies.

Referred to **State Government Committee**.

H. B. 892, a bill to amend G. S. 20-37.7 relating to special identification card.

Referred to **Finance Committee**.

H. B. 899, a bill to amend the law relating to supplemental retirement benefits of Monroe firemen.

Referred to **Pensions and Retirement Committee**.

H. B. 968, a bill to validate certain divorce judgments entered without a conclusion of law that the plaintiff was entitled to a divorce.

Referred to **Judiciary II Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 260, Committee Substitute for **S. B. 260**, a bill to make the law of perjury enforceable and add a new offense of false swearing.

Senator Redman offers Amendment No. 1.

On motion of Senator Duncan, consideration of the Committee Substitute bill, with pending Amendment No. 1 is postponed until Thursday, May 21.

S. B. 369, a bill to provide a fixed pay date for public school employees of the Kings Mountain, Shelby and Cleveland County School Administrative Units, for concurrence in House Amendment No. 1.

On motion of Senator Harris, the Senate concurs in House Amendment No. 1 and the bill is ordered enrolled.

S. B. 393, Committee Substitute for **S. B. 393**, a bill to rewrite Chapter 898, Session Laws of 1979, relating to more effective services to children and families in North Carolina.

On motion of Senator Harris, consideration of the Committee Substitute bill is postponed until Tuesday, May 19.

S. B. 449, Committee Substitute for **S. B. 449**, a bill to establish minimum standards for Medicare supplement insurance.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 508, a bill to expand the disqualification of claimants for unemployment benefits who refuse suitable work without good cause.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. J. R. 533, a joint resolution memorializing Congress to study the expansion of the jurisdiction of the Federal Reserve Board to include money market funds for the purpose of implementing national economic and monetary policy.

The joint resolution passes its second and third readings and is ordered sent to the House of Representatives.

H. B. 73, Senate Committee Substitute for Committee Substitute for **H. B. 73**, a bill to amend G. S. 50-13.4 to make the father and the mother primarily liable for support.

The Senate Committee Substitute bill passes its second reading.

On objection of Senator Harris to its third reading, the Senate Committee Substitute bill remains on the Calendar for further consideration.

H. B. 456, a bill to amend the provisions on access to public assistance and social services records.

The bill passes its second and third readings and is ordered enrolled

H. B. 457, a bill to amend the provisions for public assistance appeals.

The bill passes its second and third readings and is ordered enrolled.

H. B. 659, a bill to provide statewide workers' compensation for deputy sheriffs.

The bill passes its second and third readings and is ordered enrolled.

H. B. 895, a bill to set higher maximum fees collectable by the Board of Barber Examiners, upon third reading.

On motion of Senator Rauch, consideration of the bill is postponed until Wednesday, May 20.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 170, an act to extend the hours during which the intentional sweeping of game lands with lights and the intentional shining of lights on deer are prohibited in Alamance, Randolph, Rockingham, Rowan, and Wilkes Counties.

S. B. 314, an act to increase payments from the Supplemental Retirement Fund for firemen in the City of Hickory and to allow expenses to be paid from the Fund.

S. B. 366, Committee Substitute for **S. B. 366**, an act to empower district boards of health to provide liability insurance for its employees and to contract for legal services.

S. B. 406, an act to amend G. S. 15A-603 to require the judge at a preliminary hearing to advise an indigent defendant that if he is convicted and placed on probation he may become liable for costs of assigned counsel.

S. B. 445, Committee Substitute for **S. B. 445**, an act to allow Cleveland County to establish voting precincts without regard to township boundaries.

H. B. 9, Committee Substitute for **H. B. 9**, an act to rewrite the Alcoholic Beverage Control Laws.

H. B. 436, an act regarding competitive bidding by the Brunswick County Board of Education.

H. B. 460, Committee Substitute for **H. B. 460**, an act to change the manner of appointment of the Beaufort-Morehead City Airport Authority and to repeal special legislation dealing with bonds.

H. B. 506, an act to raise the year's allowances for a surviving spouse and children.

H. B. 523, Committee Substitute for **H. B. 523**, an act to rewrite the statutory provision pertaining to damages recoverable from parents for a minor's injury to person or property.

H. B. 656, an act to revise and consolidate the Charter of the City of Brevard and to repeal prior local acts.

H. B. 679, an act to provide that when vacancies occur on the Davidson County Board of Commissioners, the appointing authority must appoint the person recommended by the political party of the vacating member.

H. B. 709, an act to repeal Chapter 334 of the 1963 Session Laws and Chapter 919 of the 1967 Session Laws relating to the Office of Tax Collector in Northampton County.

H. B. 729, an act to amend Chapter 811 of the 1975 Session Laws of the State of North Carolina relating to the satellite corporate limits of Indian Beach.

H. B. 789, an act to allow the Criminal Justice Education and Training Standards Commission to extend probationary certification.

H. B. 856, an act to amend G. S. 160A-299 to authorize municipalities to close streets within their extraterritorial jurisdiction.

H. B. 857, an act to amend G. S. 160A-299 to authorize municipalities to reserve utility improvements and easements in streets which are closed.

H. B. 869, an act to permit judges to set aside convictions entered pursuant to G. S. 20-24c(1) through c(3).

H. B. 901, an act authorizing establishment of a recreation trust fund for the Town of Rutherfordton.

H. B. 903, an act to provide that the Wagram Town Board of Commissioners shall be elected for staggered two- and four-year terms.

H. B. 918, an act to allow the Cabarrus County Board of Education to pay its ten-month employees on or before the fifteenth day of each month.

H. B. 924, an act relating to search and handling fees charged nonresidents requesting genealogical information, so as to clarify a conflict between two laws on the same subject enacted by the 1979 General Assembly.

H. B. 961, an act to allow Duplin County to use alternate condemnation procedures for certain easements in conjunction with the Limestone-Muddy Creek Watershed Project.

On motion of Senator Royall, seconded by Senator Wynne, the Senate adjourns to meet tomorrow at 1:30 P.M.

EIGHTY-NINTH DAY

SENATE CHAMBER,
Tuesday, May 19, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Gracious God our Father, we give You thanks today for calling us to service in Your Kingdom as legislators and as citizens. We confess to an occasional arrogance, Lord, that makes us want to elevate our own wishes and desires at the expense of Your wisdom, believing that we alone know the truth. Call us back to a realistic knowledge of our humanity. Remind us daily that no one knows the whole truth, and that we must open our hearts and minds to Your will if we are to discover even a part of the truth for ourselves. Help us also to listen carefully to each other, believing that You speak through the most humble of Your servants, and trusting that Your Spirit will work through the collected wisdom of this Senate, if we are faithful to Your call. Amen."

Senator Royall for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants a leave of absence to Senator Ballenger for today. A leave of absence granted previously to Senator Lawing is noted. Senator Gray is noted present.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Allsbrook for the **Judiciary I Committee**:

S. B. 295, a bill to repeal the requirement of an adversary hearing prior to criminal prosecution for dissemination of obscenity, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Allsbrook, the rules are suspended and the Committee Substitute bill, which changes the title to read **S. B. 295**, Committee Substitute for **S. B. 295**, a bill to repeal the requirement of an adversary hearing prior to criminal prosecution for dissemination of explicit obscenity, is placed before the Senate for immediate consideration.

On motion of Senator Allsbrook, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, May 21.

S. B. 321, a bill to permit recovery of a posted service charge for returned checks with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Allsbrook, the rules are suspended and the Committee Substitute bill, which changes the title to read **S. B. 321**, Committee Substitute for **S. B. 321**, a bill to allow merchants to charge and collect processing fees for returned checks and to

increase the processing costs for returned checks allowable in court actions, is placed before the Senate for immediate consideration.

On motion of Senator Allsbrook, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, May 21.

By Senator Soles for the **Judiciary II Committee**:

S. B. 545, a bill to update and improve the going out of business sale law, with a favorable report, as amended.

H. B. 149, Committee Substitute for **H. B. 149**, a bill to provide that any party may introduce photographs as substantive evidence upon laying a proper foundation, with a favorable report.

H. B. 495, a bill to provide that court-ordered license suspension actions for violators of wildlife laws will supersede administrative suspensions by the North Carolina Wildlife Resources Commission, with a favorable report.

H. B. 752, a bill to clarify district court judges authority to issue secure and nonsecure custody orders, with a favorable report.

H. B. 770, a bill to clarify nontestimonial identification procedures in juvenile cases, with a favorable report, as amended.

H. B. 772, a bill to clarify the Juvenile Code and to permit secure custody in additional circumstances, with a favorable report.

H. B. 859, Committee Substitute for **H. B. 859**, a bill regarding bond requirement when the personal representative of an estate receives all the property of the decedent, with a favorable report.

By Senator Creech for the **Judiciary III Committee**:

S. B. 337, a bill to prohibit the use of opaque or transparent materials on the windshield or windows of a motor vehicle, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Creech, the rules are suspended and the Committee Substitute bill, which changes the title to read **S. B. 337**, Committee Substitute for **S. B. 337**, a bill to prohibit the operation of a motor vehicle with the view outward or inward through the windshield or windows obscured, is placed before the Senate for immediate consideration.

On motion of Senator Creech, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, May 26.

By Senator Jernigan for the **Manufacturing, Labor and Commerce Committee**:

S. B. 388, a bill to repeal and amend the youth employment provisions of G. S. 95-25.5 of the Wage and Hour Act, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Jernigan, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Jernigan, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, May 21.

By Senator Barnes for the **State Government Committee**:

H. B. 280, Committee Substitute No. 2 for **H. B. 280**, a bill to amend Chapter 86A of the General Statutes pertaining to barbers, with a favorable report.

H. B. 298, Committee Substitute for **H. B. 298**, a bill to amend Chapter 90, Article 8 of the General Statutes relating to chiropractors, with a favorable report.

H. B. 307, a bill to extend the life of the Land Records Management Program in the Department of Administration from July 1, 1981, to July 1, 1991, with a favorable report.

H. B. 843, a bill to repeal the termination date of Chapter 89A of the General Statutes relating to landscape architects, with a favorable report.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 296, House Committee Substitute for **S. B. 296**, a bill to create the crime of impersonation of firemen and emergency medical services personnel, for concurrence in the House Committee Substitute bill which is placed on the Calendar for tomorrow, May 20.

S. B. 389, a bill to allow Stanly County to establish voting precincts without regard to township boundaries, for concurrence in the House Amendment which is placed on the Calendar for tomorrow, May 20.

S. B. 415, a bill to rewrite G. S. 163-112 to provide for the filling of vacancy due to death of a candidate occurring after the filing period closes and before the primary, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow, May 20.

H. B. 875, Committee Substitute for **H. B. 875**, a bill to remove most restrictions on political activities of members of State commissions, boards, councils, and committees. Referred to **Election Laws Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 393, Committee Substitute for **S. B. 393**, a bill to rewrite Chapter 898, Session Laws of 1979, relating to more effective services to children and families in North Carolina.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 397, Committee Substitute for **S. B. 397**, a bill to provide corneal tissue for transplant.

The Committee Substitute bill passes its second and third readings.

Senator Cockerham moves that the vote by which the Committee Substitute bill passed its third reading be reconsidered, which motion prevails.

The Committee Substitute bill passes its third reading and is ordered sent to the House of Representatives.

H. B. 73, Senate Committee Substitute for Committee Substitute for **H. B. 73**, a bill to amend G. S. 50-13.4 to make the father and the mother primarily liable for support, upon third reading.

On motion of Senator Hancock, consideration of the Senate Committee Substitute bill is postponed until Tuesday, May 26.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 369, an act to provide a fixed pay date for public school employees of the Kings Mountain and Cleveland County School Administrative Units.

S. J. R. 478, a joint resolution honoring the life and memory of Linwood Branton Hollowell, Senior.

S. J. R. 480, a joint resolution encouraging the Department of Correction to examine its policies and procedures as they may have impact upon the prison population.

H. B. 176, an act regarding the use of ABC law enforcement funds in Scotland County.

H. B. 456, an act to amend the provisions on access to public assistance and social services records.

H. B. 457, an act to amend the provisions for public assistance appeals.

H. B. 659, an act to provide statewide workers' compensation for deputy sheriffs.

On motion of Senator Royall, seconded by Senator Creech, the Senate adjourns in memory of Eliza Jane Pratt, former member of the United States House of Representatives, Seventy-ninth Congress, from Davidson County, to meet tomorrow at 1:30 P.M.

NINETIETH DAY

SENATE CHAMBER,
Wednesday, May 20, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Harland C. Merriam, Associate Pastor of White Memorial Presbyterian Church, Raleigh, as follows:

"Your power, Lord God, made the universe and holds it in being. You are the reason and the power behind our even being here. Direct our minds, our wills, our hearts, our hands to Yourself, so that our humanity may be fulfilled according to Your purpose.

"As this Session of the Senate begins, forgive our willful disobedience to You. Set us free, by Your grace, from the errors of the past and guide us more fully toward Your future.

"Save us equally from the fear which leads us away from following conscience and from the pride which blinds us to the will of others. Show us in each situation and decision how to be both our own and Yours, so that we can freely and confidently move on out with our responsibilities.

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"Bless this State: the governor, the legislature, the courts and all who work in State government—clerks, aides, secretaries, senators, all. Most especially, bless the people of the State. May we be a blessing to others.

"So be it, Lord God. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senators Thomas of Henderson and McDuffie for today.

RE-REFERRALS

S. B. 515, bill to repeal all taxes on intangible property.

On motion of Senator Duncan, the bill is taken from the **Finance Committee** and re-referred to the **Ways and Means Committee**.

H. B. 833, a bill to exempt energy related services from payments made in lieu of taxes by joint municipal electric power and energy projects.

On motion of Senator Duncan, the bill is taken from the **Finance Committee** and re-referred to the **Public Utilities and Energy Committee**.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Swain for the **Courts and Judicial Districts and Criminal Justice Committee**:

H. B. 532, a bill to amend G. S. 15A-622 to authorize six months' terms for grand jurors in certain counties, with a favorable report.

H. B. 778, Committee Substitute for **H. B. 778**, a bill to amend G. S. Chapter 7A to authorize recall for temporary service of justices and judges who have reached the mandatory retirement age, with a favorable report.

H. B. 845, a bill to allow rehearings for patients committed to the Psychiatric Service of North Carolina Memorial Hospital to be held at any place in Orange County where district court may be held, with a favorable report.

H. B. 896, a bill to provide that appeals from rulings of county game commissions shall be heard by the district court sitting in the county in which the game commission is located.

By Senator Duncan for the **Finance Committee**:

S. B. 163, a bill to increase the amount of annual interest exempt from State income taxation from two hundred dollars to one thousand dollars, with a favorable report, as amended.

On motion of Senator Duncan, the rules are suspended and the bill is placed before the Senate for immediate consideration and on his further motion Committee Amendment No. 1 is adopted.

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The bill, as amended, is ordered engrossed and re-referred to the **Ways and Means Committee**.

S. B. 559, a bill to encourage gifts of historic properties to certain charitable entities by permitting income tax deductions therefor, with a favorable report, as amended.

H. B. 110, Committee Substitute for **H. B. 110**, a bill to increase the inheritance tax credit for Class A beneficiaries, with a favorable report.

On motion of Senator Duncan, the Committee Substitute bill is re-referred to the **Ways and Means Committee**.

H. B. 331, a bill to amend certain sections of Chapter 53 and other chapters of the General Statutes relating to banks and the Commissioner of Banks, with a favorable report.

H. B. 568, a bill to amend Chapter VII of the Charter of the City of Charlotte relating to the establishment of a spay/neuter clinic and to levy a differential license tax, with a favorable report.

By Senator Wynne for the **Higher Education Committee**:

H. B. 844, a bill to permit certain individuals as adults to preserve legal residence conferred on them as minors in the context of residuary status for tuition purposes by reason of G. S. 116-143.1(j), with a favorable report.

H. J. R. 958, a joint resolution setting the date for the House of Representatives and Senate to elect members of the State Board of Community Colleges, with a favorable report.

By Senator Harris for the **Human Resources Committee**:

S. B. 443, Committee Substitute for **S. B. 443**, a bill to provide for the management of hazardous and low-level radioactive waste in North Carolina, with an unfavorable report as to Committee Substitute, but favorable as to Committee Substitute No. 2.

On motion of Senator Harris, the rules are suspended and the Committee Substitute bill No. 2 is placed before the Senate for immediate consideration.

On motion of Senator Harris, the Committee Substitute bill No. 2 is adopted, and on his further motion is placed on the Calendar for Thursday, May 21.

By Senator Mathis for the **Insurance Committee**:

S. B. 379, a bill to limit workers' compensation insurance rate filings with the Commissioner of Insurance to one filing per year, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Mathis, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Mathis, the Committee Substitute bill is adopted, and on her further motion is placed on the Calendar for Friday, May 22.

S. B. 556, a bill to provide for compensation to insurance agents for assistance with recoupment surcharges, with a favorable report, as amended.

By Senator Marion for the **Local Government and Regional Affairs Committee**:

H. B. 624, a bill to allow intergovernmental sales or leases of real or personal property without procedural restriction where New Hanover County or a city or town within that County is a party, with a favorable report.

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H. B. 625, a bill to allow New Hanover County ordinances regulating waste disposal to apply countywide, with a favorable report.

H. B. 631, a bill to amend the Charter of the City of Wilmington concerning the procedure to be followed in exercising the power of eminent domain, with a favorable report.

H. B. 647, a bill to amend the Charter of the City of Wilmington to authorize economic development projects, with a favorable report.

H. B. 888, a bill to permit Wayne County to equalize per pupil expenditures for local current expenses among administrative units, with a favorable report.

H. B. 1007, a bill to require consent of the Sampson County Board of Commissioners before land in that County may be condemned or acquired by a unit of local government outside Sampson County, with a favorable report.

By Senator Thomas of Craven for the **Natural and Economic Resources and Wildlife Committee**:

S. B. 535, a bill to prohibit the hunting of deer with rifles, and the taking of any wildlife from public roads, in Mecklenburg County, with a favorable report.

H. B. 472, a bill to prohibit the use of traps larger than muskrat traps on dry land in Camden County, with a favorable report.

By Senator Johnson for the **Public Utilities and Energy Committee**:

S. B. 504, a bill to remove restrictive limitations on certain grants of radio certification, with a favorable report.

S. B. 577, a bill to assess a fee for each nuclear electric generating plant located in North Carolina for the purpose of deferring the costs of planning emergency response as required by the Federal Emergency Management Agency, with a favorable report.

On motion of Senator Johnson, the bill is re-referred to the **Finance Committee**.

H. B. 528, a bill to give the Utilities Commission authority to prescribe manner for distributing customer refunds of wholesale increase to utility companies, with a favorable report, as amended.

H. B. 529, a bill to make the utility company, rather than the Contingency and Emergency Fund, the source of funds for the Public Staff for outside assistance in Commission proceedings, with a favorable report.

H. B. 530, a bill to make rate-setting hearings nonmandatory when there is no significant public protest and all parties are in agreement, with a favorable report.

H. B. 531, a bill to give the Utilities Commission the authority to decide the level of interest to add to customer refunds, with a favorable report, as amended.

By Senator Barnes for the **State Government Committee**:

H. B. 292, Committee Substitute No. 2 for **H. B. 292**, a bill to amend Chapter 90, Article 6 of the General Statutes relating to optometry, with a favorable report, as amended.

H. B. 293, Committee Substitute for **H. B. 293**, a bill to amend Chapter 90, Article 17 of the General Statutes relating to dispensing opticians, with a favorable report, as amended.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

Senator Baker moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Baker and Kincaid:

S. B. 580, a bill to provide that the Department of Transportation shall not use road salt on roads in Watauga County, subject to a referendum.

Referred to **Transportation Committee**.

Senator Baker moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Baker and Kincaid:

S. B. 581, a bill to provide that the Department of Transportation shall not use road salt on roads in Avery County, subject to a referendum.

Referred to **Transportation Committee**.

By Senator Barnes:

S. B. 582, a bill to require the purchase of insurance or the posting of a cash bond before a permit will be issued to professional housemovers.

Referred to **State Government Committee**.

By Senators Mills and Hardison:

S. B. 583, a bill to impose a tax on a lessee's interest in land leased from the State or its political subdivisions and used for a private purpose.

Referred to **Finance Committee**.

By Senator Ward:

S. B. 584, a bill to authorize the Attorney General to pay medical bills for pupils transported to and from school by school buses.

Referred to **Judiciary II Committee**.

By Senator Gray:

S. B. 585, a bill to increase the amount of income a retiree over age 62 may earn as a public employee before reducing a service retirement allowance from the Teachers' and State Employees' Retirement System and Local Governmental Employees' Retirement System.

Referred to **Pensions and Retirement Committee**.

By Senators Vickery and Walker:

S. B. 586, a bill to amend G. S. 160A-298(d) relating to certain street bridges.

Referred to **Judiciary II Committee**.

By Senator Vickery:

S. B. 587, a bill to continue the North Carolina Environmental Policy Act of 1971.
Referred to **Judiciary II Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 100, House Committee Substitute for Committee Substitute for **S. B. 100**, a bill to amend G. S. 24-1.2, G. S. 24-14, G. S. 53-172 and G. S. 53-180 relating to installment loan rates, including second mortgages, loans secured by secondary mortgages and certain provisions of the North Carolina Consumer Finance Act, for concurrence in the House Committee Substitute, which is placed on the Calendar for Friday, May 22.

S. B. 101, House Committee Substitute for Committee Substitute for **S. B. 101**, a bill to amend G. S. 24-1.1 relating to contract loan rates and to add a new G. S. 24-1.1C, for concurrence in the House Committee Substitute, which is placed on the Calendar for Friday, May 22.

S. B. 213, House Committee Substitute for **S. B. 213**, a bill to amend G. S. 25A-15 relating to rates for consumer credit, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, May 21.

H. B. 783, a bill to amend Article IV of the State Constitution to permit recall of retired Supreme Court Justices or Court of Appeals Judges to serve temporarily on either appellate court.

Referred to **Constitutional Amendments Committee**.

H. B. 796, a bill to amend G. S. 143-215.6 to provide for civil sanctions for violations of the Water Use Information Act.

Referred to **Judiciary III Committee**.

H. B. 797, Committee Substitute for **H. B. 797**, a bill to amend the Water Use Act of 1967, so as to update its notice, hearings and appeal procedures, to eliminate outmoded and redundant provisions, and for related purposes.

Referred to **Judiciary III Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

(Senator Lawing presides over a portion of today's Session.)

S. B. 296, House Committee Substitute for **S. B. 296**, a bill to create the crime of impersonation of firemen and emergency medical services personnel, for concurrence in the House Committee Substitute bill.

On motion of Senator Ward, the Senate concurs in the House Committee Substitute bill and the bill is ordered enrolled.

S. B. 389, a bill to allow Stanly County to establish voting precincts without regard to township boundaries, for concurrence in the House Amendment.

On motion of Senator Garrison, the Senate concurs in the House Amendment and the bill is ordered enrolled.

S. B. 415, a bill to rewrite G. S. 163-112 to provide for the filling of vacancy due to death of a candidate occurring after the filing period closes and before the primary, for concurrence in House Amendment No. 1.

On motion of Senator Jernigan, the Senate concurs in House Amendment No. 1 and the bill is ordered enrolled.

S. B. 545, a bill to update and improve the going out of business sale law.

On motion of Senator Wynne, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

H. B. 149, Committee Substitute for **H. B. 149**, a bill to provide that any party may introduce photographs as substantive evidence upon laying a proper foundation.

The Committee Substitute bill passes its second reading.

On objection of Senator Soles to its third reading, the Committee Substitute bill remains on the Calendar for further consideration.

H. B. 280, Committee Substitute No. 2 for **H. B. 280**, a bill to amend Chapter 86A of the General Statutes pertaining to barbers, upon second reading.

On motion of Senator Rauch, consideration of the Committee Substitute bill No. 2 is postponed until Monday, May 25.

H. B. 298, Committee Substitute for **H. B. 298**, a bill to amend Chapter 90, Article 8 of the General Statutes relating to chiropractors.

Senator Rauch offers Amendment No. 1 which is adopted.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 307, a bill to extend the life of the Land Records Management Program in the Department of Administration from July 1, 1981, to July 1, 1991.

The bill passes its second reading.

Senator Barnes offers Amendment No. 1 which is adopted.

The bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 495, a bill to provide that court-ordered license suspension actions for violators of wildlife laws will supersede administrative suspensions by the North Carolina Wildlife Resources Commission.

The bill passes its second and third readings and is ordered enrolled.

H. B. 752, a bill to clarify district court judges authority to issue secure and nonsecure custody orders.

The bill passes its second and third readings and is ordered enrolled.

H. B. 770, a bill to clarify nontestimonial identification procedures in juvenile cases.

On motion of Senator Soles, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 772, a bill to clarify the Juvenile Code and to permit secure custody in additional circumstances.

The bill passes its second and third readings and is ordered enrolled.

H. B. 843, a bill to repeal the termination date of Chapter 89A of the General Statutes relating to landscape architects.

The bill passes its second and third readings and is ordered enrolled.

H. B. 859, Committee Substitute for **H. B. 859**, a bill regarding bond requirement when the personal representative of an estate receives all the property of the decedent.

Senator Marvin offers Amendment No. 1 which she subsequently withdraws.

The Committee Substitute bill passes its second and third reading and is ordered enrolled.

H. B. 895, a bill to set higher maximum fees collectable by the Board of Barber Examiners, upon third reading.

On motion of Senator Allsbrook, consideration of the bill is postponed until Monday, May 25.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 336, Senate Committee Substitute for Committee Substitute for **H. B. 336**, an act to recodify Chapter 115 of the General Statutes, Elementary and Secondary Education.

On motion of Senator Lawing, seconded by Senator Allsbrook, the Senate adjourns to meet tomorrow at 12:30 P.M.

NINETY-FIRST DAY

SENATE CHAMBER,
Thursday, May 21, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Honorable Marvin Ward, Senator from Forsyth County.

Senator Royall for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

RE-REFERRALS

S. B. 100, House Committee Substitute for Committee Substitute for **S. B. 100**, a bill to amend G. S. 24-1.2, G. S. 24-14, G. S. 53-172 and G. S. 53-180 relating to installment loan rates, including second mortgages, loans secured by secondary mortgages and certain provisions of the North Carolina Consumer Finance Act.

On motion of Senator Vickery, the House Committee Substitute bill is taken from the Calendar for Friday, May 22, and is placed on the Calendar for Tuesday, May 26.

S. B. 101, House Committee Substitute for Committee Substitute for **S. B. 101**, a bill to amend G. S. 24-1.1 relating to contract loan rates and to add a new G. S. 24-1.1C.

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On motion of Senator Vickery, the House Committee Substitute bill is taken from the Calendar for Friday, May 22, and is placed on the Calendar for Tuesday, May 26.

S. B. 540, a bill to develop joint vocational educational programs in the public schools and community colleges.

On motion of Senator Wynne, the bill is taken from the **Higher Education Committee** and re-referred to the **Education Committee**.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Mills for the **Banking Committee**:

H. B. 150, Committee Substitute for **H. B. 150**, a bill to establish a maximum registration fee of two hundred fifty dollars for certain unit investment trusts, with a favorable report.

S. B. 514, a bill to establish the priority of future advances made under wraparound mortgages and to classify wraparound mortgages as first mortgages in some circumstances, with a favorable report.

By Senator Allsbrook for the **Judiciary I Committee**:

S. B. 6, a bill to permit hunting foxes and deer with dogs in Alamance County with the written consent of the landowner, with a favorable report.

S. B. 541, a bill making flight after committing murder an aggravating factor for the purpose of imposing capital punishment, with a favorable report.

H. B. 174, Senate Committee Substitute for **H. B. 174**, a bill to provide defense of employees and officers of area mental health, mental retardation and substance abuse authorities and of the agencies with which the area authority contracts for the provision of services, with an unfavorable report as to Senate Committee Substitute bill No. 1, but favorable as to Senate Committee Substitute bill No. 2.

On motion of Senator Allsbrook, the rules are suspended and the Senate Committee Substitute bill No. 2 is placed before the Senate for immediate consideration.

On motion of Senator Allsbrook, the Committee Substitute bill No. 2 is adopted, and on his further motion is placed on the Calendar for Monday, May 25.

By Senator Jernigan for the **Manufacturing, Labor and Commerce Committee**:

S. B. 512, a bill to repeal the sunset provision on byssinosis (brown lung) claims, and to provide a tax credit for payment of certain claims for byssinosis under the Workers' Compensation Act, with a favorable report.

On motion of Senator Jernigan, the bill is re-referred to the **Finance Committee**.

H. B. 499, Committee Substitute for **H. B. 499**, a bill to raise the State minimum wage, with a favorable report.

By Senator Thomas of Craven for the **Natural and Economic Resources and Wildlife Committee**:

H. B. 153, a bill to amend Chapter 1436 of the 1957 Session Laws, relating to the Currituck County Game Act, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Thomas of Craven, the rules are suspended and the Senate Committee Substitute bill, which changes the title to read **H. B. 153**, Senate Committee Substitute for **H. B. 153**, a bill to amend the legislation dealing with the Game Commission of Currituck County to revise license fees, to provide for appeals from actions on hunting blind licenses to the district court, and to make other procedural changes, is placed before the Senate for immediate consideration.

On motion of Senator Thomas of Craven, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, May 25.

By Senator Barnes for the **State Government Committee**:

H. B. 283, Committee Substitute for **H. B. 283**, a bill to amend Chapter 90A, Article 2, concerning certification of water treatment facility operators, with a favorable report.

On motion of Senator Barnes, the Committee Substitute bill is re-referred to the **Finance Committee**.

H. B. 297, Committee Substitute for **H. B. 297**, a bill to amend Chapter 90, Article 18B of the General Statutes relating to physical therapy, with a favorable report, as amended.

H. B. 364, Committee Substitute for **H. B. 364**, a bill to abolish the inactive Land Policy Council and Advisory Committee on Land Policy, with a favorable report.

H. B. 922, a bill to allow additional pool-type investments by local governments, with a favorable report.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 775, Committee
Substitute for **H. B. 775**

House of Representatives
May 20, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Amendment No. 2 to Committee Substitute for **H. B. 775**, a bill to be entitled an act to prohibit assaults and threats against general civil executive officers, the Speaker of the House, and the President Pro Tempore of the Senate, and requests conferees. The Speaker has appointed Representatives Richard Wright, Allen Adams, and Martin Nesbitt on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
GRACE COLLINS
Principal Clerk

Senator Soles moves that the President appoint conferees, which motion prevails. The President appoints Senators Soles, Raynor, and Rauch as conferees on the part of the

May 21, 1981

Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Harrington and Jordan:

S. B. 588, a bill to refund the amount of accumulated contributions in excess of the contributions required of other teachers and State employees covered under the Federal Insurance Contributions Act made by employees of the Cooperative Agricultural Extension Service who are members of the Teachers' and State Employees' Retirement System.

Referred to **Pensions and Retirement Committee**.

By Senators Marion, Boger, Palmer, Thomas of Craven, Cavanagh, Harris, Gray, Cockerham, and McDuffie:

S. B. 589, a bill to prohibit open beer or wine containers in certain motor vehicles. Referred to **Alcoholic Beverage Control Committee**.

By Senator Creech:

S. B. 590, a bill to exclude gain from the sale of certain businesses from gross income. Referred to **Small Business Committee**.

By Senators Kincaid and Baker:

S. B. 591, a bill to prohibit certain liquor sales in areas of satellite annexation which would not have been lawful if not for the annexation.

Referred to **Alcoholic Beverage Control Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 759, Committee Substitute for **H. B. 759**, a bill designating certain records and information of the administrator of credit unions as confidential records.

Referred to **Banking Committee**.

H. B. 1054, a bill to modify the requirements for nominating members to the State Board of Community Colleges.

Referred to **Higher Education Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

(Senator Lawing presides over a portion of today's Session.)

S. B. 295, Committee Substitute for **S. B. 295**, a bill to repeal the requirement of an adversary hearing prior to criminal prosecution for dissemination of explicit obscenity.

On motion of Senator Vickery, consideration of the Committee Substitute bill is postponed until Tuesday, May 26.

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S. B. 443, Committee Substitute No. 2 for **S. B. 443**, a bill to provide for the management of hazardous and low-level radioactive waste in North Carolina, upon second reading.

Senator Allsbrook offers Amendments No. 1, No. 2, and No. 3 which are adopted.

Senator Thomas of Henderson offers Amendments No. 4, No. 5, and No. 6 which fail of adoption.

Senator Walker calls the previous question, seconded by Senator Royall. The call is sustained.

The Committee Substitute bill No. 2, as amended, passes its second reading by roll-call vote, ayes 42, noes 6, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marvin, Mathis, McDuffie, Mills, Raynor, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 42.

Voting in the negative: Senators Allred, Baker, Duncan, Palmer, Rauch, and Redman — 6.

Senator Duncan offers a motion that the Committee Substitute bill No. 2, as amended, be placed on the Calendar for Thursday, May 28, upon third reading, which motion fails to prevail.

Senator Jernigan offers a motion that the Senate do now adjourn, which motion fails to prevail for lack of a second.

Senator Thomas of Henderson offers a motion that the Committee Substitute bill No. 2, as amended, be placed on the Calendar for Tuesday, May 26, which motion prevails.

S. B. 504, a bill to remove restrictive limitations on certain grants of radio certification.

On motion of Senator Wright, the bill is recommitted to the **Public Utilities and Energy Committee**.

S. B. 535, a bill to prohibit the hunting of deer with rifles, and the taking of any wildlife from public roads, in Mecklenburg County.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 556, a bill to provide for compensation to insurance agents for assistance with recoupment surcharges.

On motion of Senator Rauch, consideration of the bill is postponed until Wednesday, May 27.

H. B. 472, a bill to prohibit the use of traps larger than muskrat traps on dry land in Camden County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 568, a bill to amend Chapter VII of the Charter of the City of Charlotte relating to the establishment of a spay/neuter clinic and to levy a differential license tax, upon second reading.

The bill passes its second reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray,

Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 48.

The bill remains on the Calendar upon third reading.

H. B. 624, a bill to allow intergovernmental sales or leases of real or personal property without procedural restriction where New Hanover County or a city or town within that County is a party.

The bill passes its second and third readings and is ordered enrolled.

H. B. 625, a bill to allow New Hanover County ordinances regulating waste disposal to apply countywide.

Senator Wright offers Amendment No. 1 which is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 631, a bill to amend the Charter of the City of Wilmington concerning the procedure to be followed in exercising the power of eminent domain, upon second reading.

On motion of Senator Wright, the bill is recommitted to the **Local Government and Regional Affairs Committee**.

H. B. 647, a bill to amend the Charter of the City of Wilmington to authorize economic development projects.

The bill passes its second and third readings and is ordered enrolled.

H. B. 888, a bill to permit Wayne County to equalize per pupil expenditures for local current expenses among administrative units, upon second reading.

The bill passes its second reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wyne — 48.

The bill remains on the Calendar upon third reading.

H. B. 1007, a bill to require consent of the Sampson County Board of Commissioners before land in that County may be condemned or acquired by a unit of local government outside Sampson County.

Senator Warren offers Amendment No. 1 which is adopted, changing the title to read

H. B. 1007, a bill to require consent of the Sampson County Board of Commissioners before land in that county may be condemned or acquired by a unit of local government outside Sampson County and to enact similar provisions for Johnston County.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 296, House Committee Substitute for **S. B. 296**, an act to create the crime of impersonation of firemen and emergency medical services personnel.

S. B. 364, an act to exempt the Museum of Natural History from G. S. 147-50.

S. B. 389, an act to allow Stanly and Mecklenburg Counties to establish voting precincts without regard to township boundaries.

S. B. 415, an act to rewrite G. S. 163-112 to provide for the filling of vacancy due to death of a candidate occurring after the filing period closes and before the primary.

H. B. 269, Committee Substitute for **H. B. 269**, an act to prohibit the use of citation quotas by the State Highway Patrol.

H. B. 495, an act to provide that court-ordered license suspension actions for violators of wildlife laws will supersede administrative suspensions by the North Carolina Wildlife Resources Commission.

H. B. 752, an act to clarify district court judges authority to issue secure and nonsecure custody orders.

H. B. 772, an act to clarify the Juvenile Code and to permit secure custody in additional circumstances.

H. B. 779, an act to amend G. S. Chapter 9 to facilitate the juror selection process.

H. B. 843, an act to repeal the termination date of Chapter 89A of the General Statutes relating to landscape architects.

H. B. 859, Committee Substitute for **H. B. 859**, an act regarding bond requirement when the personal representative of an estate receives all the property of the decedent.

H. B. 885, an act to revise and consolidate the Charter of the Town of Waynesville and to repeal prior local acts.

On motion of Senator Lawing, seconded by Senator Palmer, the Senate adjourns to meet tomorrow at 11:00 A.M.

NINETY-SECOND DAY

SENATE CHAMBER,
Friday, May 22, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Honorable Ollie Harris, Senator from Cleveland County.

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senators Mathis, Marion, and Vickery for today, to Senators Mathis and Thomas of Henderson for Monday, May 25, and to Senator

Daniels for Monday and Tuesday, May 26 and 27, who will be attending a meeting of the Southern States Fishery Management Council.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Clarke for the **Constitutional Amendments Committee**:

S. B. 320, a bill to amend the Constitution of North Carolina to reserve to the people the right of initiative and referendum, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Clarke, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Clarke, the Committee Substitute bill is adopted and is placed on the Calendar for Thursday, May 28.

By Senator Creech for the **Judiciary III Committee**:

S. B. 395, a bill to increase the punishment for larceny of a firearm, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Creech, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Creech, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Wednesday, May 27.

S. B. 396, a bill to increase the punishment for stealing horses, mules, and cattle, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Creech, the rules are suspended and the Committee Substitute bill, which changes the title to read **S. B. 396**, Committee Substitute for **S. B. 396**, a bill to increase the punishment for stealing horses, mules, swine, and cattle, is placed before the Senate for immediate consideration.

On motion of Senator Creech, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Wednesday, May 27.

S. B. 543, a bill regarding firearms and explosives at civil disorders, with a favorable report.

By Senator Thomas of Henderson for the **Small Business Committee**.

H. B. 313, Committee Substitute No. 2 for **H. B. 313**, a bill to improve the laws relating to the collection of money judgments and the exemptions, Part 3, Exemptions, with a favorable report, as amended.

On motion of Senator Thomas of Henderson, the Committee Substitute bill No. 2 is placed on the Calendar for Wednesday, May 27.

By Senator Barnes for the **State Government Committee**:

S. B. 405, a bill to repeal G. S. 163-178, which requires clerks of court to report election results to the Secretary of State, with a favorable report, as amended.

H. B. 299, Committee Substitute No. 2 for **H. B. 299**, a bill to amend Chapter 93D of the General Statutes relating to hearing aid dealers and fitters, with a favorable report, as amended.

On motion of Senator Barnes, the rules are suspended and the Committee Substitute bill No. 2 is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted.

The Committee Substitute bill No. 2, as amended, is ordered re-referred to the **Finance Committee**.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Vickery and Walker:

S. B. 592, a bill to consider net proceeds from certain university land sales as trust funds of the university.

Referred to **Judiciary II Committee**.

By Senators Hardison, Allsbrook, Barnes, Cavanagh, Creech, Daniels, Garrison, Gray, Harrington, Jenkins, Jernigan, Lawing, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, White, and Wynne:

S. B. 593, a bill to amend Chapter 136 to require a notice, public meeting and a statement of the specific reason for a recommendation by the board of county commissioners for a deviation in the paving projects or the priority of tentative secondary road paving projects in the annual work program proposed by the Department of Transportation.

Referred to **Transportation Committee**.

Senator Baker moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Baker and Kincaid:

S. B. 594, a bill to provide nominations by petition and cumulative voting in all elections for directors of Wilkes Telephone Membership Corporation and to reserve the power to amend the bylaws of the Corporation to its members only.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Baker, Gray, McDuffie, Swain, Redman, Raynor, Allsbrook, Harris, Noble, Kincaid, Boger, Wright, Cavanagh, Ballenger, Thomas of Henderson, Smith, Allred, Marvin, Jenkins, Clarke, and White:

S. B. 595, a bill to regulate dealers in secondhand goods.

Referred to **Law Enforcement and Crime Control Committee**.

By Senator McDuffie:

S. B. 596, a bill to make uniform qualifications for and to prohibit conflict of interests by election officials.

Referred to **Election Laws Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

May 22, 1981

S. B. 437, a bill to require area mental health authorities to collect the fee charged for attending an alcohol and drug education traffic school, for concurrence in House Amendment No. 1, which is placed on the Calendar for Monday, May 25.

H. B. 510, Committee Substitute for **H. B. 510**, a bill to amend G. S. 163-80 to provide that librarians in public high schools may register voters.

Referred to **Election Laws Committee**.

H. B. 614, a bill relating to bids and purchases of the Charlotte-Mecklenburg Board of Education.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 685, a bill to provide for reapportioning the Brunswick County Board of Commissioners, and allowing the chairman to create one more tie vote.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 751, a bill to clarify circumstances under which a nonsecure custody order may be entered.

Referred to **Judiciary II Committee**.

H. B. 825, a bill to eliminate the payment of regular interest in the return of accumulated contributions from the Teachers' and State Employees' Retirement System, Local Governmental Employees' Retirement System, Law Enforcement Officers' Benefit and Retirement Fund, and Uniform Judicial Retirement System except to members with five or more years of membership service.

Referred to **Pensions and Retirement Committee**.

H. B. 893, a bill to require passenger restraint systems for children under four years of age.

Referred to **Human Resources Committee**.

H. B. 950, a bill to provide that an employee may retain the rights to his independently created inventions notwithstanding an employment agreement to the contrary.

Referred to **Manufacturing, Labor and Commerce Committee**.

H. B. 988, a bill to provide additional authority for the protection of State officers.

Referred to **Judiciary II Committee**.

H. B. 1047, a bill to make uniform plat, subdivision, and mapping requirements applicable in Brunswick County.

Referred to **Local Government and Regional Affairs Committee**.

CALENDAR

Bills and resolutions on the Calendar, carried forward as unfinished business from yesterday, are taken up and disposed of as follows:

(Senator Lawing presides over a portion of today's Session.)

S. B. 213, House Committee Substitute for **S. B. 213**, a bill to amend G. S. 25A-15 relating to rates for consumer credit, for concurrence in the House Committee Substitute bill.

On motion of Senator Harris, the Senate concurs in the House Committee Substitute bill and the bill is ordered enrolled.

S. B. 260, Committee Substitute for **S. B. 260**, a bill to make the law of perjury enforceable and add a new offense of false swearing, with pending Amendment No. 1.

Without objection, Senator Redman withdraws pending Amendment No. 1.

The Committee Substitute bill passes its second reading.

On objection of Senator Allsbrook to its third reading, the Committee Substitute bill remains on the Calendar for further consideration.

S. B. 321, Committee Substitute for **S. B. 321**, a bill to allow merchants to charge and collect processing fees for returned checks and to increase the processing costs for returned checks allowable in court actions.

Senator Johnson offers Amendment No. 1 which is adopted, changing the title to read **S. B. 321**, a bill to allow persons to charge and collect processing fees for returned checks and to increase the processing costs for returned checks allowable in court actions.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 388, Committee Substitute for **S. B. 388**, a bill to repeal and amend the youth employment provisions of G. S. 95-25.5 of the Wage and Hour Act.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 559, a bill to encourage gifts of historic properties to certain charitable entities by permitting income tax deductions therefor.

On motion of Senator Barnes, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

H. B. 125, a bill to rewrite Article 8D of Chapter 105 of the General Statutes governing the taxation of savings and loan associations in North Carolina, upon second reading.

Without objection, the following Senators are excused from voting for the stated reasons:

Senator Allsbrook: "Stockholder etc.—S&L Assoc."

Senator Hardison: (not stated)

Senator Lawing: "Conflict of interest."

Senator Noble: "Conflict of interest."

Senator Royall: "On board of Saving & Loan Association."

The bill passes its second reading by roll-call vote, ayes 38, noes 2, as follows:

Voting in the affirmative: Senators Alford, Allred, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Duncan, Frye, Garrison, Gray, Hancock, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Marvin, McDuffie, Palmer, Rauch, Raynor, Redman, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 38.

Voting in the negative: Senators Cockerham and Mills — 2.

The bill remains on the Calendar upon third reading.

H. B. 149, Committee Substitute for **H. B. 149**, a bill to provide that any party may introduce photographs as substantive evidence upon laying a proper foundation, upon third reading.

On motion of Senator Jenkins, consideration of the Committee Substitute bill is postponed until Monday, May 25.

H. B. 292, Committee Substitute No. 2 for **H. B. 292**, a bill to amend Chapter 90, Article 6 of the General Statutes relating to optometry.

On motion of Senator Rauch, Committee Amendments No. 1 and No. 2 are adopted. The Committee Substitute bill No. 2, as amended, passes its second reading.

On objection of Senator Rauch to its third reading, the Committee Substitute bill No. 2, as amended, remains on the Calendar for further consideration.

H. B. 293, Committee Substitute for **H. B. 293**, a bill to amend Chapter 90, Article 17 of the General Statutes relating to dispensing opticians, upon second reading.

On motion of Senator Johnson, Committee Amendments No. 1 and No. 2 are adopted, and on his further motion the Committee Substitute bill, as amended, is re-referred to the **Finance Committee**.

H. B. 331, a bill to amend certain sections of Chapter 53 and other chapters of the General Statutes relating to banks and the Commissioner of Banks, upon second reading.

The bill passes its second reading by roll-call vote, ayes 38, noes 2, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Cavanagh, Clarke, Cockerham, Creech, Duncan, Frye, Garrison, Gray, Hancock, Harris, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Royall, Smith, Speed, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, and Wright — 38.

Voting in the negative: Senators Boger and Redman — 2.

Senator Mills moves that the vote by which the bill passed its second reading be reconsidered, which motion prevails.

Without objection, the Chair directs the bill be removed from the Calendar and recommitted to the **Banking Committee**.

H. B. 528, a bill to give the Utilities Commission authority to prescribe manner for distributing customer refunds of wholesale increase to utility companies.

On motion of Senator Lawing, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 529, a bill to make the utility company, rather than the Contingency and Emergency Fund, the source of funds for the Public Staff for outside assistance in Commission proceedings.

On motion of Senator Noble, consideration of the bill is postponed until Wednesday, May 27.

H. B. 530, a bill to make rate-setting hearings nonmandatory when there is no significant public protest and all parties are in agreement.

The bill passes its second and third readings and is ordered enrolled.

H. B. 531, a bill to give the Utilities Commission the authority to decide the level of interest to add to customer refunds.

On motion of Senator Johnson, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 532, a bill to amend G. S. 15A-622 to authorize six months' terms for grand jurors in certain counties.

The bill passes its second and third readings and is ordered enrolled.

H. B. 778, Committee Substitute for **H. B. 778**, a bill to amend G. S. Chapter 7A to authorize recall for temporary service of justices and judges who have reached the mandatory retirement age.

The Committee Substitute bill passes its second reading.

On objection of Senator Gray to its third reading, the Committee Substitute bill remains on the Calendar for further consideration.

H. B. 844, a bill to permit certain individuals as adults to preserve legal residence conferred on them as minors in the context of residuary status for tuition purposes by reason of G. S. 116-143.1(j).

On motion of Senator Wynne, consideration of the bill is postponed until Wednesday, May 27.

H. B. 845, a bill to allow rehearings for patients committed to the Psychiatric Service of North Carolina Memorial Hospital to be held at any place in Orange County where district court may be held.

The bill passes its second and third readings and is ordered enrolled.

H. B. 896, a bill to provide that appeals from rulings of county game commissions shall be heard by the district court sitting in the county in which the game commission is located.

The bill passes its second and third readings and is ordered enrolled.

H. J. R. 958, a joint resolution setting the date for the House of Representatives and Senate to elect members of the State Board of Community Colleges.

The joint resolution passes its second and third readings and is ordered enrolled.

Bills and resolutions on today's Calendar are taken up and disposed of as follows:

S. B. 6, a bill to permit hunting foxes and deer with dogs in Alamance County with the written consent of the landowner.

On motion of Senator Hardison, consideration of the bill is postponed until Wednesday, May 27.

S. B. 379, Committee Substitute for **S. B. 379**, a bill to limit workers' compensation insurance rate filings with the Commissioner of Insurance to one filing per year.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 514, a bill to establish the priority of future advances made under wraparound mortgages and to classify wraparound mortgages as first mortgages in some circumstances.

On motion of Senator Harris, consideration of the bill is postponed until Monday, May 25.

S. B. 541, a bill making flight after committing murder an aggravating factor for the purpose of imposing capital punishment.

The bill passes its second reading.

On objection of Senator Frye to its third reading, the bill remains on the Calendar for further consideration.

H. B. 150, Committee Substitute for **H. B. 150**, a bill to establish a maximum registration fee of two hundred fifty dollars for certain unit investment trusts, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harris, Jernigan, Johnson, Jordan, Marvin, Mills, Noble, Palmer, Redman, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, and Wright — 35.

The Committee Substitute bill remains on the Calendar upon third reading.

H. B. 297, Committee Substitute for **H. B. 297**, a bill to amend Chapter 90, Article 18B of the General Statutes relating to physical therapy.

On motion of Senator Barnes, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 364, Committee Substitute for **H. B. 364**, a bill to abolish the inactive Land Policy Council and Advisory Committee on Land Policy.

On motion of Senator Barnes, consideration of the Committee Substitute bill is postponed until Wednesday, May 27.

H. B. 499, Committee Substitute for **H. B. 499**, a bill to raise the State minimum wage.

On motion of Senator Jordan, consideration of the Committee Substitute bill is postponed until Wednesday, May 27.

H. B. 568, a bill to amend Chapter VII of the Charter of the City of Charlotte relating to the establishment of a spay/neuter clinic and to levy a differential license tax, upon third reading.

The bill passes its third reading by roll-call vote, ayes 34, noes 0, as follows:

Voting in the affirmative: Senators Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harris, Jernigan, Johnson, Jordan, Lawing, Marvin, Mills, Noble, Redman, Smith, Speed, Swain, Thomas of Craven, Walker, Ward, Warren, White, and Wright — 34.

The bill is ordered enrolled.

H. B. 888, a bill to permit Wayne County to equalize per pupil expenditures for local current expenses among administrative units, upon third reading.

The bill passes its third reading by roll-call vote, ayes 34, noes 0, as follows:

Voting in the affirmative: Senators Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harris, Jernigan, Johnson, Jordan, Lawing, Marvin, Mills, Noble, Redman, Smith, Speed, Swain, Thomas of Craven, Walker, Ward, Warren, White, and Wright — 34.

The bill is ordered enrolled.

H. B. 922, a bill to allow additional pool-type investments by local governments.

The bill passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 472, an act to prohibit the use of traps larger than muskrat traps on dry land in Camden County.

H. B. 624, an act to allow intergovernmental sales or leases of real or personal property without procedural restriction where New Hanover County or a city or town within that County is a party.

H. B. 647, an act to amend the Charter of the City of Wilmington to authorize economic development projects.

On motion of Senator Lawing, seconded by Senator Harris, the Senate adjourns to meet Monday at 8:00 P.M.

NINETY-THIRD DAY

SENATE CHAMBER,
Monday, May 25, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Joe Brown, Pastor of Lovegrove A.M.E. Zion Church, Swan.

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

Leaves of absence granted previously to Senators Mathis and Thomas of Henderson are noted.

The President extends courtesies of the Gallery to Mrs. Samuel A. Troxell, widow of the former Representative from Rowan County, to his family and friends, and also, to Mrs. Claude Umstead Parrish, widow of the former Representative from Rowan County, to his family and friends.

The President recognizes the following pages serving in the Senate this week: Carolie Bartol, High Point; Cynthia Byrd, Southmont; Donna Byrd, Southmont; Laura Byrne, Fairmont; Sonya M. Cranford, Kinston; Buane Brent DeLaine, Charlotte; Kenneth Brian Edge, Fayetteville; Elizabeth Lynn Fullwood, Raleigh; Becky Hickmon, Fayetteville; Jeffery Elwood Hill, Deep Run; Susan Beatrice Jarrell, Mt. Airy; Cheryl Jordan, Raleigh; Robert Graham McFarland, Raleigh; Carol Landis Medders, Louisburg; Alesia Jo Morris, Fayetteville; Deborah Sue Privette, Wake Forest; Donna Privette, Wake Forest; Wayne D. Rankin, Mooresville; Kimberly L. Rawls, Morehead City; Kristen Rochelle, Kinston; Ezelle Sanford, Jr., Charlotte; and Lilie C. Sellers, Edenton.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Hardison:

S. B. 597, a bill to extinguish certain liens on fruits and vegetables sold at auction.
Referred to **State Government Committee**.

May 25, 1981

Senator Noble moves that Rule 40 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Noble:

S. B. 598, a bill to redefine the electoral districts of the City of Lumberton, and to validate all elections and actions of that City.

Referred to **Local Government and Regional Affairs Committee**.

Senator Duncan moves that Rule 40 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Duncan:

S. B. 599, a bill to allow the Stokes County School Administrative Unit to convey a gym and tract of land to the Sandy Ridge Action Center at private sale.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Barnes:

S. B. 600, a bill to exempt certain pressure vessels from the construction requirements of the "Uniform Boiler and Pressure Vessel Act" when the owner transfers the vessel from its facility out of state to its facility within this State and installs it prior to December 31, 1981.

Referred to **Manufacturing, Labor and Commerce Committee**.

By Senators Barnes, Noble, Swain, Ballenger, Boger, Hancock, and Allsbrook:

S. B. 601, a bill to provide essential accounting, copying, microfilming, filing, and typing equipment for clerks of superior court and district attorneys.

Referred to **Appropriations Committee**.

By Senators Ward and Swain:

S. B. 602, a bill to allow the Department of Correction to give credit for good conduct allowances toward the date on which they will become eligible for parole.

Referred to **Law Enforcement and Crime Control Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. J. R. 1045, a joint resolution honoring the life and service of Samuel A. Troxell, former member of the General Assembly.

On motion of Senator Boger, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered enrolled.

H. J. R. 1046, a joint resolution honoring the life and service of Claude Umstead Parrish.

On motion of Senator Boger, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered enrolled.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 341, House Committee Substitute for Committee Substitute for **S. B. 341**, a bill to permit disclosure of real property interests and assets by the Guilford County register of deeds and spouse, for concurrence in the House Committee Substitute bill which is placed on the Calendar for tomorrow, May 26.

S. B. 467, a bill to amend the law regarding wrongful death by changing the limit on medical expenses, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow, May 26.

H. B. 438, a bill to authorize members of occupational licensing boards to receive reimbursement for travel and subsistence expenses on the same basis as State boards and commissions.

Referred to **Ways and Means Committee**.

H. B. 965, a bill requiring all able-bodied prison inmates to work.

Referred to **Law Enforcement and Crime Control Committee**.

H. B. 969, a bill to amend the Nursing Home Administrator Act.

Referred to **Human Resources Committee**.

H. B. 980, a bill to permit organizations providing free services at highway rest areas to solicit contributions.

Referred to **Transportation Committee**.

H. B. 1017, a bill to allow credits in unemployment insurance fund accounts to be transferred when experience rating employers change to reimbursement employers.

Referred to **Manufacturing, Labor and Commerce Committee**.

H. B. 1036, a bill to allow county road naming notices to be published in at least one newspaper rather than all the newspapers in the county.

Referred to **Transportation Committee**.

H. B. 1042, a bill to expand the Moore County ABC Board.

Referred to **Alcoholic Beverage Control Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 260, Committee Substitute for **S. B. 260**, a bill to make the law of perjury enforceable and add a new offense of false swearing, upon third reading.

On motion of Senator Allsbrook, consideration of the Committee Substitute bill is postponed until Thursday, May 28.

S. B. 405, a bill to repeal G. S. 163-178, which requires clerks of court to report election results to the Secretary of State.

On motion of Senator Barnes, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 437, a bill to require area mental health authorities to collect the fee charged for attending an alcohol and drug education traffic school, for concurrence in House Amendment No. 1.

The Chair rules that the bill requires a call of the roll upon concurrence in House Amendment No. 1.

On motion of Senator Barnes, the Senate concurs upon second reading in House Amendment No. 1 by roll-call vote, ayes 42, noes 1, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marvin, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 42.

Voting in the negative: Senator Baker — 1.

The bill remains on the Calendar for concurrence in House Amendment No. 1, upon third reading.

S. B. 514, a bill to establish the priority of future advances made under wraparound mortgages and to classify wraparound mortgages as first mortgages in some circumstances.

Senator Vickery offers a motion that the bill be recommitted to the **Banking Committee**, which motion fails to prevail.

The bill passes its second reading.

On objection of Senator Vickery to its third reading, the bill remains on the Calendar for further consideration.

S. B. 541, a bill making flight after committing murder an aggravating factor for the purpose of imposing capital punishment, upon third reading.

The bill passes its third reading and is ordered sent to the House of Representatives.

S. B. 543, a bill regarding firearms and explosives at civil disorders.

The bill passes its second reading.

On objection of Senator Cavanagh to its third reading the bill remains on the Calendar for further consideration.

H. B. 125, a bill to rewrite Article 8D of Chapter 105 of the General Statutes governing the taxation of savings and loan associations in North Carolina, upon third reading.

Without objection, the following Senators are excused from voting for the stated reasons:

Senator Allsbrook: "Stockholder, etc.—Savings and Loan Association."

Senator Hardison: (not stated)

Senator Lawing: "Conflict of interest."

Senator Noble: "Conflict of interest."

Senator Royall: "On board of Savings & Loan Association."

The bill passes its third reading by roll-call vote, ayes 38, noes 1, as follows:

Voting in the affirmative: Senators Alford, Allred, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Duncan, Frye, Garrison, Gray, Hancock, Harrington, Harris, Jernigan, Johnson, Jordan, Kincaid, Marion, Marvin, McDuffie, Palmer, Rauch, Raynor, Redman, Smith, Speed, Swain, Thomas of Craven, Walker, Ward, Warren, White, Wright, and Wynne — 38.

Voting in the negative: Senator Mills — 1.

The bill is ordered enrolled.

H. B. 149, Committee Substitute for **H. B. 149**, a bill to provide that any party may introduce photographs as substantive evidence upon laying a proper foundation, upon third reading.

The Committee Substitute bill passes its third reading and is ordered enrolled.

H. B. 150, Committee Substitute for **H. B. 150**, a bill to establish a maximum registration fee of two hundred fifty dollars for certain unit investment trusts, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harris, Jernigan, Johnson, Jordan, Kincaid, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Walker, Ward, Warren, White, Wright, and Wynne — 42.

The Committee Substitute bill is ordered enrolled.

H. B. 153, Senate Committee Substitute for **H. B. 153**, a bill to amend the legislation dealing with the Game Commission of Currituck County to revise license fees, to provide for appeals from actions on hunting blind licenses to the district court, and to make other procedural changes, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Walker, Ward, Warren, White, Wright, and Wynne — 44.

The Senate Committee Substitute bill remains on the Calendar upon third reading.

H. B. 174, Senate Committee Substitute No. 2 for **H. B. 174**, a bill to provide defense of employees and officers of area mental health, mental retardation and substance abuse authorities and of the agencies with which the area authority contracts for the provision of services, upon second reading.

The Senate Committee Substitute bill No. 2 passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 44.

The Senate Committee Substitute bill No. 2 remains on the Calendar upon third reading.

H. B. 280, Committee Substitute No. 2 for **H. B. 280**, a bill to amend Chapter 86A of the General Statutes pertaining to barbers, upon second reading.

The Committee Substitute bill No. 2 passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Duncan, Frye, Garrison, Gray,

Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Walker, Ward, Warren, White, Wright, and Wynne — 45.

The Committee Substitute bill No. 2 remains on the Calendar upon third reading.

H. B. 292, Committee Substitute No. 2 for **H. B. 292**, a bill to amend Chapter 90, Article 6 of the General Statutes relating to optometry, as amended, upon third reading.

On motion of Senator Rauch, consideration of the Committee Substitute bill No. 2, as amended, is postponed until Thursday, May 28.

H. B. 778, Committee Substitute for **H. B. 778**, a bill to amend G. S. Chapter 7A to authorize recall for temporary service of justices and judges who have reached the mandatory retirement age, upon third reading.

The Committee Substitute bill passes its third reading and is ordered enrolled.

H. B. 895, a bill to set higher maximum fees collectable by the Board of Barber Examiners, upon third reading.

Senator Swain offers a motion that the bill be placed on the Calendar for Thursday, May 28.

Senator Alford offers a substitute motion that the bill be recommitted to the **Finance Committee**, which motion prevails.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 213, House Committee Substitute for **S. B. 213**, an act to amend G. S. 25A-15 relating to rates for consumer credit.

S. B. 472, an act to allow monies in official depositories to be placed in negotiable order of withdrawal accounts.

H. B. 530, an act to make rate-setting hearings nonmandatory when there is no significant public protest and all parties are in agreement.

H. B. 532, an act to amend G. S. 15A-622 to authorize six months' terms for grand jurors in certain counties.

H. B. 568, an act to amend Chapter VII of the Charter of the City of Charlotte relating to the establishment of a spay/neuter clinic and to levy a differential license tax.

H. B. 845, an act to allow rehearings for patients committed to the Psychiatric Service of North Carolina Memorial Hospital to be held at any place in Orange County where district court may be held.

H. B. 888, an act to permit Wayne County to equalize per pupil expenditures for local current expenses among administrative units.

H. B. 896, an act to provide that appeals from rulings of county game commissions shall be heard by the district court sitting in the county in which the game commission is located.

H. B. 922, an act to allow additional pool-type investments by local governments.

H. J. R. 958, a joint resolution setting the date for the House of Representatives and Senate to elect members of the State Board of Community Colleges.

On motion of Senator Lawing, seconded by Senator White, the Senate adjourns to meet tomorrow at 1:30 P.M.

NINETY-FOURTH DAY

SENATE CHAMBER,
Tuesday, May 26, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend E. Allen Proctor, Jr., Pastor of St. Barnabas Presbyterian Church, Raleigh, as follows:

"Almighty God, by whom the whole family of heaven and earth is named, we thank You for the gift of another day, a gift which You have extended to us by Your grace alone. We ask that we might learn to depend upon that grace as we gain a better understanding of who we are as beings that have been created and are sustained by You. We ask Your forgiveness, our Father, when we take ourselves and our work too seriously; when we forget that it is only because of Your mercy and loving kindness that we are able to enjoy the gift of life. Today, we ask that You would nourish the seeds of understanding and peace that struggle to rise up within us, that we might draw upon Your strength and Your wisdom. Let the spirit of justice and mercy and compassion fill this chamber today, that all that is said and done might honor You and fulfill Your will for our lives. For we make our prayer in the name and for the sake of our Lord Jesus Christ. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

A leave of absence granted previously to Senator Daniels is noted.

RE-REFERRAL

S. B. 320, Committee Substitute for **S. B. 320**, a bill to amend the Constitution of North Carolina to reserve to the people the right of initiative and referendum.

On motion of Senator McDuffie the Committee Substitute bill is taken from the Calendar for Thursday, May 28, and is placed on the Calendar for Tuesday, June 2.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator White for the **Agriculture Committee**:

H. B. 868, a bill to provide for the production and sale of biologics for the treatment of animals in North Carolina, with a favorable report.

May 26, 1981

On motion of Senator White, the bill is re-referred to the **Finance Committee**.

By Senator Wynne for the **Higher Education Committee**:

H. B. 1054, a bill to modify the requirements for nominating members to the State Board of Community Colleges, with a favorable report.

By Senator Soles for the **Judiciary II Committee**:

S. B. 386, a bill to require that school bus drivers have one year experience as a licensed driver before being hired, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, May 28.

S. B. 399, a bill to require a seller of personal property to disclose lien holders and to provide that the seller may be liable for treble damages for any injury caused by failure to disclose, with an unfavorable report.

S. B. 552, a bill to amend the business opportunity sales law, with a favorable report, as amended.

On motion of Senator Soles, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendments No. 1 and No. 2 are adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Finance Committee**.

S. B. 555, a bill to allow counties to abate public health nuisances, with a favorable report, as amended.

On motion of Senator Soles, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Finance Committee**.

S. B. 565, a bill to amend the law pertaining to adoption of adults, with a favorable report.

S. B. 567, a bill to create a new article to Chapter 66 to prevent fraud and abuse by discount buying clubs, with a favorable report.

S. B. 584, a bill to authorize the Attorney General to pay medical bills for pupils transported to and from school by school buses, with a favorable report.

H. B. 360, a bill to permit boards of education to dispose of property in the same manner as counties and cities, with a favorable report, as amended.

H. B. 361, Committee Substitute for **H. B. 361**, a bill to conform State law to the Federal law on regulation for education of the handicapped, with a favorable report, as amended.

H. B. 753, a bill to make clarifying and technical changes to the Juvenile Code, with a favorable report.

H. B. 784, a bill to amend G. S. Chapters 7A and 15A to limit review of decisions of the Court of Appeals on certain motions for appropriate relief, with a favorable report.

H. B. 862, a bill to clarify when a court can award possession of the house as a part of child support, with a favorable report.

H. B. 864, a bill to allow a woman to resume her maiden name when she is divorced in another state, with a favorable report, as amended.

H. B. 968, a bill to validate certain divorce judgments entered without a conclusion of law that the plaintiff was entitled to a divorce, with a favorable report.

By Senator Harrington for the **Transportation Committee**:

S. B. 593, a bill to amend Chapter 136 to require a notice, public meeting and a statement of the specific reason for a recommendation by the board of county commissioners for a deviation in the paving projects or the priority of tentative secondary road paving projects in the annual work program proposed by the Department of Transportation, with a favorable report.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 128, a bill to prohibit the manufacture, delivery, sale, possession and use of drug paraphernalia, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, May 27.

S. B. 433, House Committee Substitute for Committee Substitute for **S. B. 433**, a bill to provide lifetime licenses for hunting and fishing and to create and maintain a Wildlife Endowment Fund with the proceeds, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, May 27.

H. B. 162, Committee Substitute for **H. B. 162**, a bill to amend G. S. 115-142.
Referred to **Judiciary II Committee**.

H. B. 762, Committee Substitute for **H. B. 762**, a bill to authorize corporate and personal income tax credits for installation of solar equipment for the production of industrial heat.

Referred to **Finance Committee**.

H. B. 763, Committee Substitute for **H. B. 763**, a bill to authorize corporate and personal income tax credits for construction of a methane gas facility.

Referred to **Finance Committee**.

H. B. 766, Committee Substitute for **H. B. 766**, a bill to authorize personal and corporate income tax credits for installation of a hydroelectric generator.

Referred to **Finance Committee**.

H. B. 767, Committee Substitute for **H. B. 767**, a bill to authorize personal and corporate income tax credits for installation of a wind energy device.

Referred to **Finance Committee**.

H. B. 879, a bill to clarify and update the Weights and Measures Act of 1975.
Referred to **Agriculture Committee**.

H. B. 942, a bill to amend the law governing the North Carolina Board of Mortuary Science.

Referred to **Human Resources Committee**.

H. J. R. 1011, a joint resolution honoring the life and memory of Paul Jackson Story.

Referred to **Rules and Operation of the Senate Committee**.

H. B. 1012, a bill to revise licensure fees for nurses.

Referred to **Finance Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

(Senator Lawing presides over a portion of today's Session.)

S. B. 100, House Committee Substitute for Committee Substitute for **S. B. 100**, a bill to amend G. S. 24-1.2, G. S. 24-14, G. S. 53-172 and G. S. 53-180 relating to installment loan rates, including second mortgages, loans secured by secondary mortgages and certain provisions of the North Carolina Consumer Finance Act, for concurrence in the House Committee Substitute bill.

On motions of Senator Mills, consideration of the House Committee Substitute bill is postponed until Wednesday, May 27, and is set as Special Order of Business No. 1.

S. B. 101, House Committee Substitute for Committee Substitute for **S. B. 101**, a bill to amend G. S. 24-1.1 relating to contract loan rates and to add a new G. S. 24-1.1C, for concurrence in the House Committee Substitute bill.

On motions of Senator Mills, consideration of the House Committee Substitute bill is postponed until Wednesday, May 27, and is set as Special Order of Business No. 2.

S. B. 295, Committee Substitute for **S. B. 295**, a bill to repeal the requirement of an adversary hearing prior to criminal prosecution for dissemination of explicit obscenity.

Senator Gray offers a motion that the Committee Substitute bill be re-referred to the **Rules and Operation of the Senate Committee**, which motion fails to prevail.

The Committee Substitute bill passes its second reading.

On objection of Senator Vickery to its third reading, the Committee Substitute bill remains on the Calendar for further consideration.

S. B. 337, Committee Substitute for **S. B. 337**, a bill to prohibit the operation of a motor vehicle with the view outward or inward through the windshield or windows obscured.

Senator Redman offers Amendment No. 1 which fails of adoption.

Senator Kincaid offers Amendment No. 2 which fails of adoption.

Senator Thomas of Henderson calls the previous question, duly seconded. The call is sustained.

The Committee Substitute bill passes its second reading.

On objection of Senator Garrison to its third reading, the Committee Substitute bill remains on the Calendar for further consideration.

S. B. 341, House Committee Substitute for Committee Substitute for **S. B. 341**, a bill to permit disclosure of real property interests and assets by the Guilford County register of deeds and spouse, for concurrence in the House Committee Substitute bill.

On motion of Senator Cockerham, the Senate concurs in the House Committee Substitute bill and the bill is ordered enrolled.

S. B. 443, Committee Substitute No. 2 for **S. B. 443**, a bill to provide for the management of hazardous and low-level radioactive waste in North Carolina, as amended, upon third reading.

Senator Allred offers Amendment No. 7 which fails of adoption.

Senator Thomas of Henderson offers Amendment No. 8 which fails of adoption.

Senator Speed offers Amendment No. 9 which fails of adoption.

Senator Rauch offers Amendment No. 10 which fails of adoption.

Senator Cockerham offers Amendment No. 11 which fails of adoption.

Senator Wright offers Amendment No. 12 which fails of adoption.

Senator Harris calls the previous question, seconded by Senator Alford. The call is sustained.

The Committee Substitute bill No. 2, as amended, passes its third reading by roll-call vote, ayes 42, noes 7, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Lawing, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Raynor, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 42.

Voting in the negative: Senators Allred, Baker, Duncan, Kincaid, Marion, Rauch, and Redman — 7.

The Committee Substitute bill No. 2, as amended, is ordered engrossed and sent to the House of Representatives.

S. B. 514, a bill to establish the priority of future advances made under wraparound mortgages and to classify wraparound mortgages as first mortgages in some circumstances, upon third reading.

Senator Vickery offers Amendment No. 1.

Senator Harris, seconded by Senator McDuffie, moves that pending Amendment No. 1 and the bill, do lie upon the table, which motion prevails. The bill lies upon the table.

S. B. 543, a bill regarding firearms and explosives at civil disorders, upon third reading.

The bill passes its third reading and is ordered sent to the House of Representatives.

H. B. 73, Senate Committee Substitute for Committee Substitute for **H. B. 73**, a bill to amend G. S. 50-13.4 to make the father and the mother primarily liable for support, upon third reading.

Senator Swain offers Amendment No. 1 which is adopted.

Senator Hardison offers Amendment No. 2 which is adopted.

The Senate Committee Substitute bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 153, Senate Committee Substitute for **H. B. 153**, a bill to amend the legislation dealing with the Game Commission of Currituck County to revise license fees, to provide for appeals from actions on hunting blind licenses to the district court, and to make other procedural changes, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Boger, Cavanagh, Clarke, Cockerham, Creech, Duncan, Frye, Garrison, Gray, Hancock,

Hardison, Harris, Jenkins, Jernigan, Jordan, Kincaid, Marion, Marvin, Mathis, Mills, Palmer, Rauch, Redman, Royall, Smith, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 39.

The Senate Committee Substitute bill is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 174, Senate Committee Substitute No. 2 for **H. B. 174**, a bill to provide defense of employees and officers of area mental health, mental retardation and substance abuse authorities and of the agencies with which the area authority contracts for the provision of services, upon third reading.

The Senate Committee Substitute bill No. 2 passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Clarke, Cockerham, Creech, Duncan, Frye, Garrison, Gray, Hancock, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 47.

The Senate Committee Substitute bill No. 2 is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill No. 2.

H. B. 280, Committee Substitute No. 2 for **H. B. 280**, a bill to amend Chapter 86A of the General Statutes pertaining to barbers, upon third reading.

The Committee Substitute bill No. 2 passes its third reading by roll-call vote, ayes 45, noes 2, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Baker, Ballenger, Barnes, Boger, Clarke, Cockerham, Creech, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 45.

Voting in the negative: Senators Allred and Speed — 2.

The Committee Substitute bill No. 2 is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 370, an act to amend the North Carolina Fertilizer Law, Chapter 106, Article 56 of the General Statutes.

S. B. 371, Committee Substitute for **S. B. 371**, an act to amend the North Carolina Agriculture Liming Materials and Landplaster Act, Article 8A of Chapter 106 of the General Statutes.

H. B. 125, an act to rewrite Article 8D of Chapter 105 of the General Statutes governing the taxation of savings and loan associations in North Carolina.

H. B. 149, Committee Substitute for **H. B. 149**, an act to provide that any party may introduce photographs as substantive evidence upon laying a proper foundation.

H. B. 150, Committee Substitute for **H. B. 150**, an act to establish a maximum registration fee of two hundred fifty dollars for certain unit investment trusts.

H. B. 307, an act to extend the life of the Land Records Management Program in the Department of Administration from July 1, 1981, to July 1, 1991.

H. B. 770, an act to clarify nontestimonial identification procedures in juvenile cases.

H. B. 778, Committee Substitute for **H. B. 778**, an act to amend G. S. Chapter 7A to authorize recall for temporary service of justices and judges who have reached the mandatory retirement age.

H. J. R. 1045, a joint resolution honoring the life and service of Samuel A. Troxell, former member of the General Assembly.

H. J. R. 1046, a joint resolution honoring the life and service of Claude Umstead Parrish.

On motion of Senator Lawing, seconded by Senator McDuffie, the Senate adjourns to meet tomorrow at 1:30 P.M.

NINETY-FIFTH DAY

SENATE CHAMBER,
Wednesday, May 27, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Stephen P. Gerhard, Pastor of Holy Trinity Lutheran Church, Raleigh, as follows:

"Gracious Lord God, in Your ordering of creation You have seen fit to make human kind little lower than the angels. Such a lofty hope You have for us. In divine patience You witness and encourage our struggle in the swarm of society to know what it is to be human; to become what You have created us to be. In the moments that we catch a fleeting glimpse of Your hope for us in our life together, and yes, even know for a time what it is to be human and achieve it, help us to sense what a godly understanding of life is required of us. Save us from the peril of thinking that this lesson once learned can never be forgotten. Conform our lives to a single desire, that of knowing Your will for us in its clear purity as it is in heaven.

"Enable us to reverence every worthwhile human occupation as a divine calling. Be the source of strength and wisdom for those whose vocation brings them here to this hall to act in the interest of their fellow citizens in our State. As it is an awesome charge to make decisions that affect the lives of others; grant humility and the guidance of Your will to those who undertake this charge. Imbue them with a concern for justice which goes beyond the preservation of order, and a commitment to govern for the well-being of all, that there might be justice and peace in our State and in our land. Amen."

Senator Royall for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants a leave of absence to Senator Lawing for today, tomorrow, and

Friday, May 27, 28 and 29, due to hospitalization. A leave of absence granted previously to Senator Daniels is noted. Senator Frye is noted present for a portion of today's Session.

CONFIRMATION OF APPOINTMENTS

Senator Jenkins for the **Pensions and Retirement Committee** submits the following report:

REPORT TO THE PRESIDENT OF THE SENATE

Dear Mr. President:

Pursuant to G. S. 135-6(b)(3), and at your request, the Senate Committee on Pensions and Retirement recommends approval of the following candidates to serve on the Board of Trustees of the Teachers' and State Employees' Retirement System:

Mr. William C. Covington of Mecklenburg County
Term expires April 4, 1984;

Honorable T. Clyde Auman of Moore County
Term expires April 4, 1984;

Mr. Floyd J. Bass of Wake County
Term expires July 1, 1984.

The nominees were unanimously approved by those in attendance at the Senate State Pensions and Retirement Committee meetings of May 13, and May 20, 1981.

Respectfully submitted,
S/ CECIL R. JENKINS, JR.
Chairman

Senator Jenkins moves that the Senate accept the recommendation of the **Pensions and Retirement Committee**, which motion prevails.

On motion of Senator Jenkins, the Senate consents to the appointments of William C. Covington, T. Clyde Auman, and Floyd J. Bass as members of the Board of Trustees of the Teachers' and State Employees' Retirement System by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Duncan, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Jordan, Kincaid, Marion, Marvin, Mathis, McDuffie, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Thomas of Craven, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 42.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H. B. 297, Committee
Substitute for **H. B. 297**

House of Representatives
May 27, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Amendment to **H. B. 297**, Committee Substitute for **H. B. 297**, a bill to be entitled an act to amend Chapter 90, Article 18B of the General

May 27, 1981

Statutes relating to physical therapy, and requests conferees. The Speaker has appointed Representatives Grady, Bumgardner, and Nye on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
GRACE COLLINS
Principal Clerk

Senator Rauch moves that the President appoint conferees, which motion prevails. The President appoints Senators Rauch, Harrington, and Hardison as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H. B. 298, Committee
Substitute for **H. B. 298**

House of Representatives
May 25, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate amendment to **H. B. 298**, Committee Substitute for **H. B. 298**, a bill to be entitled an act to amend Chapter 90, Article 8 of the General Statutes relating to chiropractors, and requests conferees. The Speaker has appointed Representatives Grady, Bumgardner, and Nye on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
GRACE COLLINS
Principal Clerk

Senator Rauch moves that the President appoint conferees, which motion prevails. The President appoints Senators Rauch, Harrington, and Hardison as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Marion for the **Local Government and Regional Affairs Committee**:

S. B. 594, a bill to provide nominations by petition and cumulative voting in all elections for directors of Wilkes Telephone Membership Corporation and to reserve the power to amend the bylaws of the Corporation to its members only, with a favorable report.

S. B. 598, a bill to redefine the electoral districts of the City of Lumberton, and to validate all elections and actions of that City, with a favorable report.

S. B. 599, a bill to allow the Stokes County School Administrative Unit to convey a gym and tract of land to the Sandy Ridge Action Center at private sale, with a favorable report.

May 27, 1981

H. B. 614, a bill relating to bids and purchases of the Charlotte-Mecklenburg Board of Education, with a favorable report.

H. B. 631, a bill to amend the Charter of the City of Wilmington concerning the procedure to be followed in exercising the power of eminent domain, with a favorable report.

H. B. 1047, a bill to make uniform plat, subdivision, and mapping requirements applicable in Brunswick County, with a favorable report.

By Senator Johnson for the **Public Utilities and Energy Committee**:

H. B. 609, a bill to amend G. S. 62-133 relating to rate increases of intrastate rail carriers, with a favorable report.

H. B. 833, a bill to exempt energy related services from payments made in lieu of taxes by joint municipal electric power and energy projects, with a favorable report.

H. B. 928, a bill to provide that an act of the majority of the directors of an electric membership corporation present at a meeting at which a quorum is present is an act of the board, with a favorable report.

By Senator Barnes for the **State Government Committee**:

H. B. 219, Committee Substitute for **H. B. 219**, a bill to amend the composition of the Child Day-Care Licensing Commission, with a favorable report, as amended.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Creech:

S. B. 603, a bill to exempt banks and savings and loan associations acting as personal representatives in the probate of estates from voucher requirements.

Referred to **Banking Committee**.

By Senators Johnson, Hardison, Royall, and Lawing:

S. J. R. 604, a joint resolution restating the goal of North Carolina to provide continued opportunity for economic advancement of all North Carolina citizens and expressing concern over the future adequacy of electric power to accomplish this goal.

Referred to **Public Utilities and Energy Committee**.

Senator Gray moves that Rule 41 be suspended to allow the introduction and referral to committee of the following joint resolution, which motion prevails by a two-thirds majority vote.

By Senators Gray, Marvin, Garrison, Jordan, and Hancock:

S. J. R. 605, a joint resolution to express the concern of the General Assembly over the number of women appointed to committees, boards, and commissions.

Referred to **Rules and Operation of the Senate Committee**.

By Senator Gray:

S. B. 606, a bill regarding jury consideration of evidence in criminal cases.
Referred to **Judiciary II Committee**.

By Senators Swain and Clarke:

S. B. 607, a bill to appropriate funds for an additional staff member for The Health Adventure in Buncombe County.
Referred to **Appropriations Committee**.

Senator Alford moves that Rule 41 be suspended to allow the introduction and referral to committee of the following joint resolution, which motion prevails by a two-thirds majority vote.

By Senator Alford:

S. J. R. 608, a joint resolution authorizing the General Assembly and its committees on Congressional Redistricting to cross county lines in determining new congressional districts.

Referred to **Rules and Operation of the Senate Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 211, House Committee Substitute for **S. B. 211**, a bill to amend G. S. 136-89.56 to provide for the establishment of logos on controlled access highways, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, May 28.

H. B. 22, Committee Substitute No. 2 for **H. B. 22**, a bill to provide for the availability in farmowners' and other property insurance policies of coverage against loss by weight of ice, snow, or sleet.

Referred to **Agriculture Committee**.

H. B. 831, Committee Substitute for **H. B. 831**, a bill to provide for exemptions from civil liability for certain persons rendering assistance at accidents involving liquefied petroleum gas.

Referred to **Judiciary II Committee**.

H. B. 933, a bill to eliminate special requirements for deeds conveying condominium units so that the general requirements of real estate law apply, as recommended by the General Statutes Commission.

Referred to **Judiciary I Committee**.

H. B. 951, Committee Substitute for **H. B. 951**, a bill to dissolve the corporation of the Confederate Woman's Home Association.

On motion of Senator Raynor, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 1019, a bill to regulate rental referral agencies.

Referred to **State Government Committee**.

CALENDAR

Bills and resolutions on the Calendar carried forward as unfinished business from yesterday are taken up and disposed of as follows:

(Senator Royall presides over a portion of today's Session.)

S. B. 437, a bill to require area mental health authorities to collect the fee charged for attending an alcohol and drug education traffic school, for concurrence in House Amendment No. 1, upon third reading.

On motion of Senator Barnes, the Senate concurs in House Amendment No. 1 by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Duncan, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 45.

The bill is ordered enrolled.

S. B. 467, a bill to amend the law regarding wrongful death by changing the limit on medical expenses, for concurrence in House Amendment No. 1.

On motion of Senator Johnson, the Senate concurs in House Amendment No. 1 and the bill is ordered enrolled.

Bills and resolutions on today's Calendar are taken up and disposed of as follows:

SPECIAL ORDER NO. 1

S. B. 100

The hour having arrived for the consideration of Special Order No. 1, the President of the Senate lays before the Senate Special Order No. 1, it being **S. B. 100**, House Committee Substitute for Committee Substitute for **S. B. 100**, a bill to amend G. S. 24-1.2, G. S. 24-14, G. S. 53-172 and G. S. 53-180 relating to installment loan rates, including second mortgages, loans secured by secondary mortgages and certain provisions of the North Carolina Consumer Finance Act, for concurrence in the House Committee Substitute bill.

Without objection, the following Senator is excused from voting for the stated reason: Senator White: "Conflict of interest."

Senator Vickery offers a motion that the House Committee Substitute bill be referred to the **Banking Committee**, which motion fails to prevail.

Senator Mills offers a motion that the Senate do concur in the House Committee Substitute bill.

Senator Vickery rises to a point of parliamentary inquiry as to division of the question of concurrence upon the House Committee Substitute bill. The Chair rules that a House Committee Substitute to a bill originating in the Senate cannot be amended and therefore, the question upon concurrence cannot be divided.

Senator Mills calls the previous question, duly seconded. The call is sustained.

The Senate concurs in the House Committee Substitute bill.

Senator Vickery rises to a point of parliamentary inquiry as to concurrence of the House Committee Substitute bill upon second and third readings.

The Chair rules the House Committee Substitute bill is not a roll-call measure under Article II, Section 23 of the North Carolina Constitution and therefore, does not require concurrence upon third reading.

The Chair orders the House Committee Substitute bill enrolled.

SPECIAL ORDER NO. 2

S. B. 101

The hour having arrived for the consideration of Special Order No. 2, the President of the Senate lays before the Senate Special Order No. 2, it being **S. B. 101**, House Committee Substitute for Committee Substitute for **S. B. 101**, a bill to amend G. S. 24-1.1 relating to contract loan rates and to add a new G. S. 24-1.1C, for concurrence in the House Committee Substitute bill.

Without objection, the following Senator is excused from voting for the stated reason: Senator White: "Conflict of interest."

Senator Vickery offers a motion that the House Committee Substitute bill be referred to the **Banking Committee**, which motion fails to prevail.

Senator Mills offers a motion that the Senate do concur in the House Committee Substitute bill.

Senator Mills calls the previous question, seconded by Senator Hardison. The call is sustained.

The Senate concurs in the House Committee Substitute bill and the bill is ordered enrolled.

S. B. 6, a bill to permit hunting foxes and deer with dogs in Alamance County with the written consent of the landowner.

The bill fails to pass its second reading.

S. B. 128, a bill to prohibit the manufacture, delivery, sale, possession and use of drug paraphernalia, for concurrence in House Amendment No. 1.

On motion of Senator Raynor, consideration of the bill is postponed until Tuesday, June 2.

S. B. 295, Committee Substitute for **S. B. 295**, a bill to repeal the requirement of an adversary hearing prior to criminal prosecution for dissemination of explicit obscenity, upon third reading.

The Committee Substitute bill passes its third reading and is ordered sent to the House of Representatives.

S. B. 337, Committee Substitute for **S. B. 337**, a bill to prohibit the operation of a motor vehicle with the view outward or inward through the windshield or windows obscured, upon third reading.

The Committee Substitute bill passes its third reading and is ordered sent to the House of Representatives.

S. B. 395, Committee Substitute for **S. B. 395**, a bill to increase the punishment for larceny of a firearm.

Senator Allred offers Amendment No. 1 which fails of adoption.

The Committee Substitute bill passes its second reading.

On objection of Senator Swain to its third reading, the Committee Substitute bill remains on the Calendar for further consideration.

S. B. 396, Committee Substitute for **S. B. 396**, a bill to increase the punishment for stealing horses, mules, swine, and cattle.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 433, House Committee Substitute for **S. B. 433**, a bill to provide lifetime licenses for hunting and fishing and to create and maintain a Wildlife Endowment Fund with the proceeds, for concurrence in the House Committee Substitute bill, upon second reading.

On motion of Senator Rauch, the Senate concurs in the House Committee Substitute bill by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Frye, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Jordan, Kincaid, Marion, Marvin, Mathis, Noble, Palmer, Rauch, Redman, Royall, Smith, Soles, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 39.

The House Committee Substitute bill remains on the Calendar for concurrence upon third reading.

S. B. 556, a bill to provide for compensation to insurance agents for assistance with recoupment surcharges.

Without objection, the following Senators are excused from voting for the stated reasons:

Senator Kincaid: "Conflict of interest."

Senator Noble: (no reason stated.)

On motion of Senator Rauch, Committee Amendment No. 1 is adopted.

Senator Rauch offers Amendment No. 2 which is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 565, a bill to amend the law pertaining to adoption of adults.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 567, a bill to create a new article to Chapter 66 to prevent fraud and abuse by discount buying clubs.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 584, a bill to authorize the Attorney General to pay medical bills for pupils transported to and from school by school buses.

The bill passes its second reading.

On objection of Senator Ward to its third reading, the bill remains on the Calendar for further consideration.

S. B. 593, a bill to amend Chapter 136 to require a notice, public meeting and a statement of the specific reason for a recommendation by the board of county commissioners for a deviation in the paving projects or the priority of tentative secondary road paving projects in the annual work program proposed by the Department of Transportation.

Senator Noble offers Amendment No. 1 which is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

H. B. 313, Committee Substitute No. 2 for **H. B. 313**, a bill to improve the laws relating to the collection of money judgments and the exemptions, Part 3, Exemptions.

On motion of Senator Thomas of Henderson, Committee Amendments No. 1, No. 2, and No. 3 are adopted.

Senator Thomas of Henderson offers Amendment No. 4 which is adopted.

Senator Swain offers Amendment No. 5 which is adopted.

The Committee Substitute bill No. 2, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1, No. 2, No. 3, No. 4, and No. 5.

H. B. 360, a bill to permit boards of education to dispose of property in the same manner as counties and cities.

On motion of Senator Soles, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading.

On objection of Senator Allsbrook to its third reading, the bill, as amended, remains on the Calendar for further consideration.

H. B. 361, Committee Substitute for **H. B. 361**, a bill to conform State law to the Federal law on regulation for education of the handicapped.

On motion of Senator Soles, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second reading.

On objection of Senator Soles to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for further consideration.

H. B. 364, Committee Substitute for **H. B. 364**, a bill to abolish the inactive Land Policy Council and Advisory Committee on Land Policy.

Senator Hardison offers Amendment No. 1 which is adopted.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 499, Committee Substitute for **H. B. 499**, a bill to raise the State minimum wage.

Senator Jordan offers Amendment No. 1 which is adopted.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 529, a bill to make the utility company, rather than the Contingency and Emergency Fund, the source of funds for the Public Staff for outside assistance in Commission proceedings.

On motion of Senator Johnson, consideration of the bill is postponed until Thursday, May 28.

H. B. 753, a bill to make clarifying and technical changes to the Juvenile Code.

The bill passes its second and third readings and is ordered enrolled.

H. B. 784, a bill to amend G. S. Chapters 7A and 15A to limit review of decisions of the Court of Appeals on certain motions for appropriate relief.

The bill passes its second and third readings and is ordered enrolled.

H. B. 844, a bill to permit certain individuals as adults to preserve legal residence conferred on them as minors in the context of residuary status for tuition purposes by reason of G. S. 116-143.1(j).

The bill passes its second and third readings and is ordered enrolled.

H. B. 862, a bill to clarify when a court can award possession of the house as a part of child support.

The bill passes its second and third readings and is ordered enrolled.

H. B. 864, a bill to allow a woman to resume her maiden name when she is divorced in another state.

On motion of Senator Hancock, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 968, a bill to validate certain divorce judgments entered without a conclusion of law that the plaintiff was entitled to a divorce.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1054, a bill to modify the requirements for nominating members to the State Board of Community Colleges.

The bill passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 341, House Committee Substitute for Committee Substitute for **S. B. 341**, an act to permit disclosure of real property interests and assets by the Guilford County register of deeds and spouse.

H. B. 280, Committee Substitute No. 2 for **H. B. 280**, an act to amend Chapter 86A of the General Statutes pertaining to barbers.

H. B. 625, an act to allow New Hanover County ordinances regulating waste disposal to apply countywide.

H. B. 1007, an act to require consent of the Sampson County Board of Commissioners before land in that County may be condemned or acquired by a unit of local government outside Sampson County and to enact similar provisions for Johnston County.

On motion of Senator Royall, seconded by Senator Rauch, the Senate adjourns to meet tomorrow at 1:30 P.M.

NINETY-SIXTH DAY

SENATE CHAMBER,
Thursday, May 28, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by Rabbi Israel Gerber, Temple Emmanuel, Gastonia.

May 28, 1981

Senator Royall for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senators McDuffie and Walker for today and to Senators McDuffie, Mathis and Swain for tomorrow, May 29. A leave of absence granted previously to Senator Lawing is noted.

RE-REFERRAL

H. B. 1019, a bill to regulate rental referral agencies.

Without objection, the Chair directs the bill be taken from the **State Government Committee** and re-referred to the **Judiciary II Committee**.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Mills for the **Banking Committee**:

S. B. 576, a bill regarding loan brokers, with a favorable report.

On motion of Senator Mills, the bill is placed on the Calendar for Tuesday, June 2.

H. B. 514, a bill to amend Article 6 of Chapter 147 of the General Statutes concerning authorized investments for the General Fund and the Highway Fund, with a favorable report.

On motion of Senator Mills, the bill is placed on the Calendar for Tuesday, June 2.

H. B. 759, Committee Substitute for **H. B. 759**, a bill designating certain records and information of the administrator of credit unions as confidential records, with a favorable report.

On motion of Senator Mills, the Committee Substitute bill is placed on the Calendar for Tuesday, June 2.

By Senator Clarke for the **Constitutional Amendments Committee**:

S. B. 568, a bill to amend, subject to the approval of the electorate, Article V of the Constitution of North Carolina to authorize the issuance of revenue bonds to finance and refinance higher education facilities owned by nonprofit corporations, with a favorable report.

S. B. 569, a bill creating the North Carolina Educational Facilities Finance Agency and authorizing said Agency to finance, refinance, construct, provide and acquire and otherwise undertake higher educational facilities, with a favorable report, as amended.

S. B. 572, a bill to amend the Constitution of North Carolina to provide that terms of legislators begin on January first following their election, with a favorable report.

H. B. 783, a bill to amend Article IV of the State Constitution to permit recall of retired Supreme Court Justices or Court of Appeals Judges to serve temporarily on either appellate court, with a favorable report.

By Senator Swain for the **Courts and Judicial Districts and Criminal Justice Committee**:

May 28, 1981

H. B. 431, a bill to change the calendaring dates for incompetency hearings, with a favorable report.

On motion of Senator Swain, the bill is placed on the Calendar for Monday, June 1.

H. B. 920, a bill to amend the speedy trial law, with a favorable report, as amended.

On motion of Senator Swain, the bill is placed on the Calendar for Monday, June 1.

By Senator Duncan for the **Finance Committee**:

S. B. 554, a bill to increase the gasoline tax, the special fuels tax, and the tax on carriers using fuels purchased outside the State; to increase Powell Bill funds for municipalities; to provide for construction of secondary roads; to provide a motor fuel tax refund; to transfer sales and use taxes on motor vehicle parts, accessories and lubricants to the Highway Fund; to increase motor vehicles fees; to increase the registration fees on property hauling vehicles; and to establish fees for oversize and overweight vehicles, with a favorable report.

On motion of Senator Duncan, the bill is placed on the Calendar for Tuesday, June 2.

By Senator Mathis for the **Insurance Committee**:

S. B. 502, a bill setting forth duties of skiers and ski area operators and limitations thereof, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Mathis, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Mathis, the Committee Substitute bill is adopted, and on her further motion is placed on the Calendar for Tuesday, June 2.

By Senator Jernigan for the **Manufacturing, Labor and Commerce Committee**:

S. B. 359, a bill to repeal Article 7 of G. S. Chapter 95 entitled "Board of Boiler Rules and Bureau of Boiler Inspection" and to make certain changes in Article 7A of G. S. Chapter 95 entitled "Uniform Boiler and Pressure Vessel Act," with a favorable report, as amended.

S. B. 600, a bill to exempt certain pressure vessels from the construction requirements of the "Uniform Boiler and Pressure Vessel Act" when the owner transfers the vessel from its facility out of state to its facility within this State and installs it prior to December 31, 1981, with a favorable report.

H. B. 950, a bill to provide that an employee may retain the rights to his independently created inventions notwithstanding an employment agreement to the contrary, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Gray, Hancock, Clarke, Ward, White, Harris, Boger, Speed, and Wynne:

S. B. 609, a bill to create a domiciliary home residents' bill of rights.

Referred to **Senior Citizens Affairs Committee**.

By Senator Hancock:

S. B. 610, a bill to raise the examination fee for psychologists.
Referred to **State Government Committee**.

By Senator Hancock:

S. B. 611, a bill to exempt certain governmental employees from certain of the license requirements previously established for practicing psychologists.
Referred to **State Government Committee**.

By Senators Jernigan, Walker, Hardison, Marvin, Ward, Jordan, Warren, Hancock, Royall, Garrison, Gray, and Mills:

S. B. 612, a bill to require counties that provide voters' lists from computers to make discs available to State political parties.
Referred to **Election Laws Committee**.

Senator Jernigan moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Jernigan and Raynor:

S. B. 613, a bill to revise and consolidate the Charter of the Town of Hope Mills and to repeal prior local acts.
Referred to **Local Government and Regional Affairs Committee**.

By Senators Cavanagh, Allred, Redman, Wright, Cockerham, Baker, Kincaid, Ballenger, Boger, and Smith:

S. B. 614, a bill to amend Article V of the North Carolina Constitution so as to limit the spending of State and local governments.
Referred to **Constitutional Amendments Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 410, a bill to rewrite the liquefied petroleum gases safety law, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, May 29.

H. B. 1039, a bill to allow sanitary districts to dispose of property under the same procedures as cities.
Referred to **Human Resources Committee**.

H. B. 1048, a bill to amend Chapter 157 of the 1981 Session Laws to permit community colleges to deposit funds in savings and loan associations.
Referred to **Higher Education Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 211, House Committee Substitute for **S. B. 211**, a bill to amend G. S. 136-89.56 to provide for the establishment of logos on controlled access highways, for concurrence in the House Committee Substitute bill.

May 28, 1981

On motion of Senator Garrison, the Senate concurs in the House Committee Substitute bill and the bill is ordered enrolled.

S. B. 260, Committee Substitute for **S. B. 260**, a bill to make the law of perjury enforceable and add a new offense of false swearing, upon third reading.

Senator Swain offers Amendment No. 2 which is adopted.

The Committee Substitute bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives.

S. B. 386, Committee Substitute for **S. B. 386**, a bill to require that school bus drivers have one year experience as a licensed driver before being hired.

On motion of Senator Wynne, the Committee Substitute bill is re-referred to the **Education Committee**.

S. B. 395, Committee Substitute for **S. B. 395**, a bill to increase the punishment for larceny of a firearm, upon third reading.

The Committee Substitute bill passes its third reading and is ordered sent to the House of Representatives.

S. B. 433, House Committee Substitute for **S. B. 433**, a bill to provide lifetime licenses for hunting and fishing and to create and maintain a Wildlife Endowment Fund with the proceeds, for concurrence in the House Committee Substitute bill, upon third reading.

On motion of Senator Thomas of Craven, the Senate concurs in the House Committee Substitute bill by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Harrington, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Marion, Marvin, Mills, Noble, Palmer, Rauch, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Vickery, Ward, Warren, White, Wright, and Wynne — 42.

The House Committee Substitute bill is ordered enrolled.

S. B. 584, a bill to authorize the Attorney General to pay medical bills for pupils transported to and from school by school buses, upon third reading.

Senator Ward offers Amendment No. 1 which is adopted.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives.

S. B. 594, a bill to provide nominations by petition and cumulative voting in all elections for directors of Wilkes Telephone Membership Corporation and to reserve the power to amend the bylaws of the Corporation to its members only.

On motion of Senator Marion, the bill is recommitted to the **Local Government and Regional Affairs Committee**.

S. B. 598, a bill to redefine the electoral districts of the City of Lumberton, and to validate all elections and actions of that City, upon second reading.

The bill passes its second reading by roll-call vote, ayes 34, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Duncan, Frye, Garrison, Gray, Hancock, Harrington, Harris, Jenkins, Jernigan, Jordan, Marion, Marvin, Noble, Palmer, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Henderson, White, and Wynne — 34.

The bill remains on the Calendar upon third reading.

S. B. 599, a bill to allow the Stokes County School Administrative Unit to convey a gym and tract of land to the Sandy Ridge Action Center at private sale.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H. B. 219, Committee Substitute for **H. B. 219**, a bill to amend the composition of the Child Day-Care Licensing Commission.

On motion of Senator Rauch, Committee Amendment No. 1 is adopted.

Senator Cockerham offers Amendment No. 2 which fails of adoption.

The Committee Substitute bill, as amended, passes its second reading.

On objection of Senator Noble to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for further consideration.

H. B. 292, Committee Substitute No. 2 for **H. B. 292**, a bill to amend Chapter 90, Article 6 of the General Statutes relating to optometry, as amended, upon third reading.

Senator Barnes offers Amendment No. 3 which is adopted.

The Committee Substitute bill No. 2, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1, No. 2, and No. 3.

H. B. 360, a bill to permit boards of education to dispose of property in the same manner as counties and cities, as amended, upon third reading.

On motion of Senator Soles, consideration of the bill, as amended, is postponed until Tuesday, June 2.

H. B. 361, Committee Substitute for **H. B. 361**, a bill to conform State law to the Federal law on regulation for education of the handicapped, as amended, upon third reading.

Senator Hardison offers Amendment No. 2 which is adopted.

The Committee Substitute bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

H. B. 529, a bill to make the utility company, rather than the Contingency and Emergency Fund, the source of funds for the Public Staff for outside assistance in Commission proceedings.

Senator Wright offers Amendment No. 1 which fails of adoption.

The bill passes its second and third readings and is ordered enrolled.

H. B. 609, a bill to amend G. S. 62-133 relating to rate increases of intrastate rail carriers.

The bill passes its second and third readings and is ordered enrolled.

H. B. 614, a bill relating to bids and purchases of the Charlotte-Mecklenburg Board of Education.

The bill passes its second and third readings and is ordered enrolled.

H. B. 631, a bill to amend the Charter of the City of Wilmington concerning the procedure to be followed in exercising the power of eminent domain, upon second reading.

The bill passes its second reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Duncan, Frye, Garrison, Gray, Hancock, Harrington, Harris, Jenkins, Kincaid, Marion, Marvin, Noble, Palmer,

Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Ward, White, Wright, and Wynne — 37.

The bill remains on the Calendar upon third reading.

H. B. 833, a bill to exempt energy related services from payments made in lieu of taxes by joint municipal electric power and energy projects, upon second reading.

The bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Jordan, Kincaid, Marion, Marvin, Mathis, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Thomas of Craven, Thomas of Henderson, Ward, Warren, White, Wright, and Wynne — 43.

The bill remains on the Calendar upon third reading.

H. B. 928, a bill to provide that an act of the majority of the directors of an electric membership corporation present at a meeting at which a quorum is present is an act of the board.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1047, a bill to make uniform plat, subdivision, and mapping requirements applicable in Brunswick County.

The bill passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 91, an act to rewrite the meat market law.

S. B. 100, House Committee Substitute for Committee Substitute for **S. B. 100**, an act to amend G. S. 24-1.2, G. S. 24-14, G. S. 53-172 and G. S. 53-180 relating to installment loan rates, including second mortgages, loans secured by secondary mortgages and certain provisions of the North Carolina Consumer Finance Act.

S. B. 101, House Committee Substitute for Committee Substitute for **S. B. 101**, an act to amend G. S. 24-1.1 relating to contract loan rates and to add a new G. S. 24-1.1C.

S. B. 437, an act to require area mental health authorities to collect the fee charged for attending an alcohol and drug education traffic school.

S. B. 444, an act to increase the voting membership of the Governor's Crime Commission.

S. B. 467, an act to amend the law regarding wrongful death by changing the limit on medical expenses.

H. B. 528, an act to give the Utilities Commission authority to prescribe manner for distributing customer refunds of wholesale increase to utility companies.

H. B. 531, an act to give the Utilities Commission the authority to decide the level of interest to add to customer refunds.

H. B. 753, an act to make clarifying and technical changes to the Juvenile Code.

H. B. 784, an act to amend G. S. Chapters 7A and 15A to limit review of decisions of the Court of Appeals on certain motions for appropriate relief.

H. B. 844, an act to permit certain individuals as adults to preserve legal residence conferred on them as minors in the context of residentiary status for tuition purposes by reason of G. S. 116-143.1(j).

H. B. 862, an act to clarify when a court can award possession of the house as a part of child support.

H. B. 951, Committee Substitute for **H. B. 951**, an act to dissolve the corporation of the Confederate Woman's Home Association.

H. B. 968, an act to validate certain divorce judgments entered without a conclusion of law that the plaintiff was entitled to a divorce.

H. B. 1054, an act to modify the requirements for nominating members to the State Board of Community Colleges.

On motion of Senator Royall, seconded by Senator Jordan, the Senate adjourns to meet tomorrow at 11:00 A.M.

NINETY-SEVENTH DAY

SENATE CHAMBER,
Friday, May 29, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, Your ways are so far above our own, and Your will often difficult for us to preceive that we find ourselves confused about Your expectations of us. At other times we know clearly what Your will is for us, but we fail to do it because it conflicts with our own desires. Forgive us, O God, when we are at odds with You, either because we lack knowledge or perception or because of our deliberate hardheadedness. Grant us wisdom to know what Your will is, and grace to follow that will even when it is difficult for us. We thank You, for forgiveness we do not deserve, and ask that You will enable us to repay You, at least in part, with lives dedicated to Your service, Amen."

Senator Royall for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senators Jordan, Frye, and Harrington for today and to Senator Smith for Monday, June 1.

Leaves of absence granted previously to Senators Swain, Lawing, Mathis, and McDuffie are noted.

RE-REFERRAL

S. B. 50, a bill to place the phrase "First in Flight" and a representation of the Wright Brothers' airplane on registration plates.

On motion of Senator Hardison the bill is taken from the **Appropriations Committee** and re-referred to the **Finance Committee**.

S. B. 165, a bill to permit fox trapping under certain conditions in Rowan County.

Without objection, the Chair directs that the bill be taken from the **Natural and Economic Resources and Wildlife Committee** and re-referred to **Appropriations Committee**.

H. B. 22, Committee Substitute No. 2 for **H. B. 22**, a bill to provide for the availability in farmowners' and other property insurance policies of coverage against loss by weight of ice, snow, or sleet.

Without objection, the Chair directs that the Committee Substitute No. 2 bill be taken from the **Agriculture Committee** and re-referred to the **Insurance Committee**.

H. B. 305, a bill to permit fox trapping under certain conditions in Rowan County.

Without objection, the Chair directs that the bill be taken from the **Natural and Economic Resources and Wildlife Committee** and re-referred to the **Appropriations Committee**.

H. B. 555, a bill to permit fox trapping under certain conditions in Gates and Northampton Counties.

Without objection, the Chair directs that the Committee Substitute bill be taken from the **Natural and Economic Resources and Wildlife Committee** and re-referred to the **Appropriations Committee**.

H. B. 666, Committee Substitute for **H. B. 666**, a bill to permit fox trapping under certain conditions in Tyrrell County.

Without objection, the Chair directs that the Committee Substitute bill be taken from the **Natural and Economic Resources and Wildlife Committee** and re-referred to the **Appropriations Committee**.

H. B. 700, a bill to authorize the Wildlife Resources Commission to regulate the harvesting of foxes by firearms and trapping under certain conditions in Sampson County.

Without objection, the Chair directs that the bill be taken from the **Natural and Economic Resources and Wildlife Committee** and re-referred to the **Appropriations Committee**.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harris for the **Human Resources Committee**:

S. B. 285, a bill to establish the Medical Radiation Technology Practice Act, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Harris, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Appropriations Committee**.

S. B. 513, a bill to remove the pre-marital blood test for venereal disease as a requirement for a marriage license, with a favorable report.

On motion of Senator Harris, the bill is placed on the Calendar for Thursday, June 4.

H. B. 95, Committee Substitute for **H. B. 95**, a bill to provide judicial review of a psychiatrist's determination to release an involuntarily committed mental patient who has committed violent acts, with a favorable report.

On motion of Senator Harris, the Committee Substitute bill is placed on the Calendar for Thursday, June 4.

H. B. 179, a bill to make technical amendments to Chapters 14 and 122 of the General Statutes to clarify procedures for the handling of the public inebriate and chronic alcoholics, with a favorable report.

On motion of Senator Harris, the bill is placed on the Calendar for Thursday, June 4.

H. B. 680, a bill to change the procedure for appointing hospital authorities in counties with a population less than 75,000, with a favorable report.

On motion of Senator Harris, the bill is placed on the Calendar for Thursday, June 4.

H. B. 814, a bill to clarify the licensing of homes for the aged, disabled and infirm, with a favorable report, as amended.

On motion of Senator Harris, the bill is placed on the Calendar for Thursday, June 4.

By Senator Royall, Vice-Chairman of the **Rules and Operation of the Senate Committee**:

S. J. R. 608, a joint resolution authorizing the General Assembly and its committees on Congressional Redistricting to cross county lines in determining new congressional districts, with a favorable report.

By Senator Barnes for the **State Government Committee**:

S. B. 144, a bill to raise the monetary limits for requiring an architect or engineer, with a favorable report.

S. B. 146, a bill to require the Office of State Budget and Management to study rules covering State construction, with a favorable report.

S. B. 147, a bill to allow claims to be settled prior to the completion of contracts, with a favorable report.

S. B. 542, a bill to provide for separate designation of lienholders in property tax foreclosure actions, with a favorable report.

S. B. 560, a bill to amend Article 1 of Chapter 87 of the General Statutes as the same relates to builders of residential housing, with a favorable report.

S. B. 571, a bill to transfer and reorganize the North Carolina Housing Finance Agency, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Barnes, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Barnes, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, June 2.

H. B. 418, a bill to transfer the Butner Public Safety Department from the Department of Human Resources to the Department of Crime Control and Public Safety, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Thomas of Craven:

S. B. 615, a bill to allow sanitary districts to contract with incorporated nonprofit volunteer or community fire departments for fire protection.

Referred to **Human Resources Committee**.

Senator Thomas of Craven moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Thomas of Craven:

S. B. 616, a bill to provide for safe distances for hunting migratory wild waterfowl in Carteret and Pamlico Counties.

Referred to **Natural and Economic Resources and Wildlife Committee**.

By Senator Barnes:

S. B. 617, a bill to provide changes in the valuation and nonforfeiture standards of the benefit certificates of fraternal benefit societies and to delete the five thousand dollar nonmedical examination limitation.

Referred to **Insurance Committee**.

By Senator Noble:

S. B. 618, a bill to change the selection of the local board of trustees of community colleges and technical institutes.

Referred to **Higher Education Committee**.

By Senator Creech:

S. B. 619, a bill to allow members of the North Carolina Local Governmental Employees' Retirement System to purchase credit for unauthorized educational leave.

Referred to **Pensions and Retirement Committee**.

By Senator Wynne:

S. B. 620, a bill to amend G. S. 58-79 relating to domestic stock and mutual life insurance company investments.

Referred to **Insurance Committee**.

By Senators Royall, Rauch, Hardison, and Lawing:

S. J. R. 621, a joint resolution directing the Legislative Research Commission to study the teacher tenure law.

Referred to **Rules and Operation of the Senate Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 7, Committee Substitute for **H. B. 7**, a bill to repeal the provisions for recoupment surcharges against clean risks, to extend the cap on automobile insurance rate increases for two years, and to equate said cap with the Consumer Price Index.

Referred to **Insurance Committee**.

H. B. 118, a bill to require the reporting of complete and accurate criminal histories to the State Bureau of Investigation.

Referred to **Judiciary II Committee**.

H. B. 287, Committee Substitute for **H. B. 287**, a bill to amend Chapter 90, Article 2 of the General Statutes relating to dentists.

Referred to **State Government Committee**.

H. B. 405, Committee Substitute for **H. B. 405**, a bill to establish effective procedures to enable certain elderly persons in need of care to stay at home and to provide the in-home services necessary to care for them.

Referred to **Human Resources Committee**.

H. B. 588, a bill to authorize boards and special boards of equalization and review to compromise, settle or adjust taxes after discovery under G. S. 105-312.

Referred to **Finance Committee**.

H. B. 657, a bill relating to the disposal of County property by private sale in Mecklenburg County.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 873, a bill to amend the tax provisions of Chapter 20 relating to carriers of passengers or property.

Referred to **Finance Committee**.

H. B. 882, a bill to amend the Charter of the City of Winston-Salem by adding provisions relating to fair housing.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 945, Committee Substitute for **H. B. 945**, a bill to clarify what birth certificate information shall be returned to the register of deeds in the county of birth.

Referred to **Human Resources Committee**.

H. B. 1022, a bill to consider net proceeds from certain university land sales as trust funds of the university.

Referred to **Higher Education Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 359, a bill to repeal Article 7 of G. S. Chapter 95 entitled "Board of Boiler Rules and Bureau of Boiler Inspection" and to make certain changes in Article 7A of G. S. Chapter 95 entitled "Uniform Boiler and Pressure Vessel Act."

On motion of Senator Cockerham, the Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 410, a bill to rewrite the liquefied petroleum gases safety law, for concurrence in House Amendment No. 1.

On motion of Senator Palmer, the Senate concurs in House Amendment No. 1 and the bill is ordered enrolled.

S. B. 568, a bill to amend, subject to the approval of the electorate, Article V of the Constitution of North Carolina to authorize the issuance of revenue bonds to finance and refinance higher education facilities owned by nonprofit corporations, upon second reading.

The bill passes its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Garrison, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Marion, Marvin, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Speed, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 40.

Having received a three-fifths majority affirmative vote, the bill remains on the Calendar upon third reading.

S. B. 569, a bill creating the North Carolina Educational Facilities Finance Agency and authorizing said Agency to finance, refinance, construct, provide and acquire and otherwise undertake higher educational facilities.

On motion of Senator Clarke, Committee Amendments No. 1 and No. 2 are adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Garrison, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Marion, Marvin, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Speed, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 38.

The bill remains on the Calendar upon third reading.

S. B. 572, a bill to amend the Constitution of North Carolina to provide that terms of legislators begin on January first following their election, upon second reading.

On motion of Senator Clarke, consideration of the bill is postponed until Wednesday, June 3.

S. B. 598, a bill to redefine the electoral districts of the City of Lumberton, and to validate all elections and actions of that City, upon third reading.

The bill passes its third reading by roll-call vote, ayes 36, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Daniels, Garrison, Gray, Hancock, Hardison, Jenkins, Jernigan, Johnson, Marion, Marvin, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Speed, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Warren, White, Wright, and Wynne — 36.

The bill is ordered sent to the House of Representatives.

S. B. 600, a bill to exempt certain pressure vessels from the construction requirements of the "Uniform Boiler and Pressure Vessel Act" when the owner transfers the vessel from its facility out of state to its facility within this State and installs it prior to December 31, 1981.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H. B. 219, Committee Substitute for **H. B. 219**, a bill to amend the composition of the Child Day-Care Licensing Commission, as amended, upon third reading.

Senator Rauch offers Amendment No. 3 which is adopted.

The Committee Substitute bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 3.

H. B. 631, a bill to amend the Charter of the City of Wilmington concerning the procedure to be followed in exercising the power of eminent domain, upon third reading.

On motion of Senator Marion, the bill is recommitted to the **Local Government and Regional Affairs Committee**.

H. B. 783, a bill to amend Article IV of the State Constitution to permit recall of retired Supreme Court Justices or Court of Appeals Judges to serve temporarily on either appellate court, upon second reading.

Senator Barnes offers Amendment No. 1 which is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 37, noes 2, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Garrison, Gray, Hancock, Hardison, Jenkins, Jernigan, Johnson, Marion, Marvin, Mills, Noble, Palmer, Rauch, Raynor, Royall, Smith, Speed, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 37.

Voting in the negative: Senators Cockerham, and Redman — 2.

Having received a three-fifths majority affirmative vote, the bill, as amended, remains on the Calendar upon third reading.

H. B. 833, a bill to exempt energy related services from payments made in lieu of taxes by joint municipal electric power and energy projects, upon third reading.

The bill passes its third reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Daniels, Garrison, Gray, Hancock, Hardison, Jenkins, Jernigan, Marion, Marvin, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Speed, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 38.

The bill is ordered enrolled.

H. B. 950, a bill to provide that an employee may retain the rights to his independently created inventions notwithstanding an employment agreement to the contrary.

The bill passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 32, an act to provide a marshal for the Court of Appeals.

S. B. 135, Committee Substitute for **S. B. 135**, an act to require that the conveyance of property used for waste disposal contain notice of such use.

S. B. 211, House Committee Substitute for **S. B. 211**, an act to amend G. S. 136-89.56 to provide for the establishment of logos on controlled access highways.

S. B. 433, House Committee Substitute for Committee Substitute for **S. B. 433**, an act to provide lifetime licenses for hunting and fishing and to create and maintain a Wildlife Endowment Fund with the proceeds.

S. B. 507, an act concerning budget preparation and financing of the Buncombe County Board of Tax Supervision.

S. B. 526, an act to repeal the authority of the Gaston County Board of Commissioners to abolish the Gaston County Police Force.

H. B. 529, an act to make the utility company, rather than the Contingency and Emergency Fund, the source of funds for the Public Staff for outside assistance in Commission proceedings.

H. B. 609, an act to amend G. S. 62-133 relating to rate increases of intrastate rail carriers.

H. B. 614, an act relating to bids and purchases of the Charlotte-Mecklenburg Board of Education.

H. B. 928, an act to provide that an act of the majority of the directors of an electric membership corporation present at a meeting at which a quorum is present is an act of the board.

H. B. 1047, an act to make uniform plat, subdivision, and mapping requirements applicable in Brunswick County.

On motion of Senator Royall, seconded by Senator Mills, the Senate adjourns to meet Monday at 8:00 P.M.

NINETY-EIGHTH DAY

SENATE CHAMBER,
Monday, June 1, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Father, as we begin a new week and a new month, we are reminded that each occasion of newness offers us an opportunity for growth, for change, for service in Your world. Help us to put away that which is behind us and press forward toward the goal which You have set for our lives. Help us to discover how each of us fits into Your divine plan, and to then dedicate ourselves to Your purpose, knowing that such service is our fitting response to Your goodness, Your forgiveness, and Your loving kindness. Especially, we ask Your blessing on the men and women of this Senate as they find their expression of service in the framing of laws which affect all the people of North Carolina. Make them diligent in the task, wise in deciding, and humble in the exercise of power. Amen."

June 1, 1981

Senator Royall for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senators Gray and Duncan for tonight and to Senator Duncan for tomorrow, June 2. A leave of absence granted previously to Senator Smith is noted.

The President recognizes the following pages serving in the Senate this week: Karla Denise Adkins, New Bern; Roy Blair Bagley, Williamston; Litchfield Huie Carpenter, Hendersonville; Hector Wayne Cooper, Elizabeth City; Lauren Elizabeth Diltney, Raleigh; Cherry Lynn Escherich, Burlington; Patti Gregg, Lexington; Laurie Grissom, Wilmington; James A. Hands III, Salisbury; John Jones, Forest City; Tammy Lee, Lenoir; Catherine McCormick, Burlington; Wendell H. Murphy, Jr., Rose Hill; Angela Joy Norman, Rose Hill; Jeffrey T. Prevatt, Lumberton; and Kelly Renee Wyatt, Raleigh.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 364, Committee
Substitute for **H. B. 364**

House of Representatives
June 1, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate amendment to **H. B. 364**, Committee Substitute for **H. B. 364**, a bill to be entitled an act to abolish the inactive Land Policy Council and Advisory Committee on Land Policy, and requests conferees. The Speaker has appointed Representatives Nye, Smith, and Bumgardner on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
GRACE COLLINS
Principal Clerk

Senator Harrington moves that the President appoint conferees, which motion prevails. The President appoints Senators Harrington, Hardison, and Barnes as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

RE-REFERRAL

H. B. 1022, a bill to consider net proceeds from certain university land sales as trust funds of the university.

Without objection, the Chair directs the bill be taken from the **Higher Education Committee** and re-referred to the **Judiciary II Committee**.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles,

June 1, 1981

together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Soles for the **Judiciary II Committee**:

S. B. 558, a bill regarding regulation of the purchase of handguns, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Wednesday, June 3.

S. B. 587, a bill to continue the North Carolina Environmental Policy Act of 1971, with a favorable report.

H. B. 988, a bill to provide additional authority for the protection of State officers, with a favorable report.

By Senator Creech for the **Judiciary III Committee**:

S. B. 574, a bill concerning the visitation rights of grandparents, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Creech, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Creech, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Wednesday, June 3.

By Senator Marvin for the **Redistricting - Congressional Committee**:

S. B. 87, a bill to divide North Carolina into eleven Congressional Districts, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Marvin, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Marvin, the Committee Substitute bill is adopted, and on her further motion is placed on the Calendar for Wednesday, June 3.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Thomas of Craven:

S. B. 622, a bill to allow sanitary districts to provide rescue services, and levy a tax therefor.

Referred to **Human Resources Committee**.

By Senator Mathis:

S. B. 623, a bill to amend Chapter 58, Article 22, of the General Statutes relating to nonforfeiture benefits of life insurance policies and reserve valuation standards for life insurance policies and annuity contracts.

Referred to **Insurance Committee**.

By Senators Kincaid, Boger, Baker, Ballenger, Cockerham, Redman, Wright, Allred, Cavanagh, and Smith:

S. B. 624, a bill to require that expenditures for the current operations of State departments, institutions and agencies be five percent less for the 1981-83 biennium than the budget proposed by the Governor and the Advisory Budget Commission.

Referred to **Appropriations Committee**.

By Senators Kincaid, Boger, Cockerham, Baker, Redman, Allred, Ballenger, Wright, Cavanagh, and Smith:

S. B. 625, a bill to be known as the North Carolina Taxpayer's Road Package which is an act to increase the cost effectiveness of the Department of Transportation.

Referred to **Finance Committee**.

By Senators Speed, White, Marvin, Creech, and Ward:

S. B. 626, a bill to amend G. S. 115C-178 pertaining to the administration of the high school competency test.

Referred to **Appropriations Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 312, House Committee Substitute No. 2 for **S. B. 312**, a bill to prohibit the possession, whether openly or concealed, of any weapon while on any State property, for concurrence in the House Committee Substitute bill No. 2.

Referred to **State Government Committee**.

H. B. 504, Committee Substitute for **H. B. 504**, a bill to expand the Pamlico County Board of Education, and to provide that five members be elected by the nonpartisan election and runoff method and two by the nonpartisan plurality method.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 587, a bill authorizing the appointment of a special board of equalization and review for Mecklenburg County.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 702, a bill to amend the restrictions on force account work as applies to the City of Monroe.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 734, a bill to amend the act relative to the title to the land built up and constructed in the Town of Wrightsville Beach.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 946, a bill to increase the monetary jurisdiction of magistrates.

Referred to **Courts and Judicial Districts and Criminal Justice Committee**.

H. B. 989, a bill to create a presumption that all notices required by law in certain sales under execution in Richmond County were duly served.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 1025, a bill to amend the Marital and Family Therapy Certification Act.

Referred to **State Government Committee**.

H. B. 1029, a bill to promote community service restitution as a condition of probation. Referred to **Judiciary II Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 144, a bill to raise the monetary limits for requiring an architect or engineer. The bill passes its second reading.

On objection of Senator Cockerham to its third reading, the bill remains on the Calendar for further consideration.

S. B. 146, a bill to require the Office of State Budget and Management to study rules covering State construction.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 147, a bill to allow claims to be settled prior to the completion of contracts.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 542, a bill to provide for separate designation of lienholders in property tax foreclosure actions.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 560, a bill to amend Article 1 of Chapter 87 of the General Statutes as the same relates to builders of residential housing.

On motion of Senator Jernigan, consideration of the bill is postponed until Thursday, June 4.

S. B. 568, a bill to amend, subject to the approval of the electorate, Article V of the Constitution of North Carolina to authorize the issuance of revenue bonds to finance and refinance higher education facilities owned by nonprofit corporations, upon third reading.

The bill passes its third reading by roll-call vote, ayes 40 noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Cavanagh, Clarke, Cockerham, Daniels, Frye, Garrison, Hardison, Harrington, Harris, Jenkins, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, Mills, Palmer, Rauch, Raynor, Redman, Royall, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 40.

The bill is ordered sent to the House of Representatives.

S. B. 569, a bill creating the North Carolina Educational Facilities Finance Agency and authorizing said Agency to finance, refinance, construct, provide and acquire and otherwise undertake higher educational facilities, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Frye, Garrison, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, Mills, Palmer, Rauch, Raynor, Redman, Royall, Soles, Speed, Swain, Thomas of Craven, Walker, Ward, Warren, White, Wright, and Wynne — 42.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S. J. R. 608, a joint resolution authorizing the General Assembly and its committees on Congressional Redistricting to cross county lines in determining new congressional districts.

The joint resolution passes its second reading.

On objection of Senator Frye to its third reading, the joint resolution remains on the Calendar for further consideration.

H. B. 418, a bill to transfer the Butner Public Safety Department from the Department of Human Resources to the Department of Crime Control and Public Safety.

The bill passes its second and third readings and is ordered enrolled.

H. B. 431, a bill to change the calendaring dates for incompetency hearings.

The bill passes its second and third readings and is ordered enrolled.

H. B. 783, a bill to amend Article IV of the State Constitution to permit recall of retired Supreme Court Justices or Court of Appeals Judges to serve temporarily on either appellate court, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Frye, Garrison, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Jordan, Kincaid, Lawing, Marion, Marvin, Mills, Palmer, Rauch, Raynor, Redman, Royall, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 43.

Having received a three-fifths majority affirmative vote, the bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 920, a bill to amend the speedy trial law.

Without objection, Senator Swain withdraws the Committee Amendment.

Senator Swain offers Amendment No. 1 which is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 410, an act to rewrite the liquefied petroleum gases safety law.

H. B. 833, an act to exempt energy related services from payments made in lieu of taxes by joint municipal electric power and energy projects.

H. B. 950, an act to provide that an employee may retain the rights to his independently created inventions notwithstanding an employment agreement to the contrary.

On motion of Senator Lawing, seconded by Senator White, the Senate adjourns to meet tomorrow at 1:30 P.M.

NINETY-NINTH DAY

SENATE CHAMBER,
Tuesday, June 2, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Joe Brown, Pastor of Lovegrove A.M.E. Zion Church, Swan.

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

A leave of absence granted previously to Senator Duncan is noted.

The President extends courtesies of the floor to Carl Totherow former Senator from Forsyth County.

REPORT TO THE SENATE

The President recognizes Senator Wynne, Chairman of the **Higher Education Committee**, who submits the following report:

SENATE COMMITTEE ON HIGHER EDUCATION

The Senate Committee on Higher Education submits the following nominees for one six-year term to the State Board of Community Colleges:

Mercedith S. Bacon
William E. Craft
Edward J. High

On motion of Senator Wynne, the report is adopted.

The Chair declares the floor open for further nominations. There being no further nominations, Senator Wynne offers a motion that the nominations be closed, which motion prevails.

ELECTION OF MEMBER TO THE NORTH CAROLINA
STATE BOARD OF COMMUNITY COLLEGES

Pursuant to **H. J. R. 958**, a joint resolution setting the date for the House of Representatives and Senate to elect members of the State Board of Community Colleges, and the report of the **Higher Education Committee**, the Senate proceeds to vote by secret ballot.

The ballots are duly tabulated by Senator Wynne, Chairman of the **Higher Education Committee** and Senator Vickery, Chairman of the **University Board of Governors Committee**, and the results are announced as follows:

FOR A SIX-YEAR TERM: Edward J. High

On motion of Senator Wynne, Edward J. High is elected to the North Carolina State Board of Community Colleges by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Frye, Garrison, Gray, Hancock,

Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 48.

The President orders a special message sent to the House of Representatives informing that Honorable Body of such action.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator White for the **Agriculture Committee**:

H. B. 879, a bill to clarify and update the Weights and Measures Act of 1975, with a favorable report.

On motion of Senator White, the bill is re-referred to the **Finance Committee**.

By Senator McDuffie for the **Election Laws Committee**:

S. B. 596, a bill to make uniform qualifications for and to prohibit conflict of interests by election officials, with a favorable report, as amended.

H. B. 881, a bill to specify the procedure for appealing denial of registration, with a favorable report, as amended.

H. B. 911, a bill to require that county boards of election file a copy of their precinct map with the State Board of Elections, with a favorable report.

By Senator Allsbrook for the **Judiciary I Committee**:

S. B. 482, a bill to exempt church-related day-care centers from certain licensing requirements, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Allsbrook, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Allsbrook, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, June 4.

H. B. 239, Committee Substitute for **H. B. 239**, a bill to clarify Rule 4(j) of the Rules of Civil Procedure, with a favorable report, as amended.

H. B. 483, Committee Substitute for **H. B. 483**, a bill to authorize a husband and wife to own a mobile home as tenants by the entirety as recommended by the General Statutes Commission, with a favorable report.

H. B. 933, a bill to eliminate special requirements for deeds conveying condominium units so that the general requirements of real estate law apply, as recommended by the General Statutes Commission, with a favorable report.

By Senator Soles for the **Judiciary II Committee**:

H. B. 162, Committee Substitute for **H. B. 162**, a bill to amend G. S. 115-142, with a favorable report, as amended.

By Senator Creech for the **Judiciary III Committee**:

S. B. 327, a bill to provide for remand of a criminal case to District Court when the defendant fails to appear for trial de novo, with an unfavorable report.

H. B. 796, a bill to amend G. S. 143-215.6 to provide for civil sanctions for violations of the Water Use Information Act, with a favorable report.

By Senator Raynor for the **Law Enforcement and Crime Control Committee**:

S. B. 448, a bill to allow the North Carolina State Highway Patrol and the North Carolina Department of Correction to sell, trade or otherwise dispose of guns and to retain the proceeds or property obtained by such disposal, with a favorable report, as amended.

S. B. 538, a bill to establish guidelines for the accreditation of law enforcement agencies, with a favorable report.

H. B. 965, a bill requiring all able-bodied prison inmates to work, with a favorable report.

By Senator Jenkins for the **Pensions and Retirement Committee**:

S. B. 271, a bill to increase the annual exclusion from gross income for federal or armed services retirement pay from three thousand dollars to five thousand dollars, with a favorable report.

On motion of Senator Jenkins, the bill is re-referred to the **Ways and Means Committee**.

S. B. 486, a bill relating to the Winston-Salem Firemen's Retirement Fund Association, with a favorable report.

S. B. 488, a bill to provide low-income individuals an additional one thousand dollar exclusion from gross income for amounts received from a federal employee retirement program, with a favorable report.

On motion of Senator Jenkins, the bill is re-referred to the **Ways and Means Committee**.

H. B. 825, a bill to eliminate the payment of regular interest in the return of accumulated contributions from the Teachers' and State Employees' Retirement System, Local Governmental Employees' Retirement System, Law Enforcement Officers' Benefit and Retirement Fund, and Uniform Judicial Retirement System except to members with five or more years of membership service, with a favorable report.

By Senator Harrington for the **Transportation Committee**:

H. B. 573, a bill to clarify the definition of a nonresident for purposes of the reciprocal provision as to arrest of nonresidents for motor vehicle violations, with a favorable report.

H. B. 980, a bill to permit organizations providing free services at highway rest areas to solicit contributions, with a favorable report.

H. B. 1036, a bill to allow county road naming notices to be published in at least one newspaper rather than all the newspapers in the county, with a favorable report.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. J. R. 958

HOUSE OF REPRESENTATIVES

June 2, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to **H. J. R. 958**, a joint resolution setting the date for the House of Representatives and Senate to elect members of the State Board of Community Colleges, the House of Representatives has elected the following member:

Mr. N. A. Elton Aydlett
Elizabeth City, N.C.

Respectfully,
GRACE COLLINS
Principal Clerk

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Harris:

S. B. 627, a bill to exempt certain sales made by fraternal organizations from the sales and use tax.

Referred to **Finance Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 436, House Committee Substitute for **S. B. 436**, a bill to require the sheriff to furnish a list of jailed prisoners to clerks of court, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, June 3.

H. B. 286, Committee Substitute for **H. B. 286**, a bill to amend Chapter 90, Article 16, of the General Statutes relating to dental hygienists.

Referred to **State Government Committee**.

H. B. 677, a bill to repeal Chapter 790, Session Laws of 1957, limiting the tax for fire protection in Granville County.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 710, a bill to amend the Charter of the Town of Stem in Granville County.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 743, a bill to provide for State agencies to charge certain user fees.

Referred to **Finance Committee**.

H. B. 749, Committee Substitute for **H. B. 749**, a bill to adopt a "Model Ridesharing Law" and to amend the Wage and Hour Law, motor vehicles, taxation and taxi regulations to promote public and private ridesharing arrangements.

Referred to **Transportation Committee**.

H. B. 894, a bill to clarify requirements for the filing of condominium plans.

Referred to **Judiciary II Committee**.

H. B. 923, a bill to allow the Department of Cultural Resources to charge certain fees with the approval of the Historical Commission.

Referred to **Finance Committee**.

H. B. 939, Committee Substitute for **H. B. 939**, a bill to make isolated amendments to the General Statutes as recommended by the General Statutes Commission.

Referred to **Judiciary I Committee**.

H. B. 970, Committee Substitute for **H. B. 970**, a bill to increase the mileage deduction allowed for automobile expenses incurred in performing charitable services.

Referred to **Finance Committee**.

H. B. 979, a bill to include custodial employees of the Department of Correction in the provisions for community college and technical institute tuition waiver.

Referred to **Higher Education Committee**.

H. B. 995, Committee Substitute No. 2 for **H. B. 995**, a bill to amend Chapter 7A of the General Statutes to allow the juvenile court judge to appoint a nonlawyer as guardian ad litem in abuse and neglect cases.

Referred to **Judiciary II Committee**.

H. J. R. 1001, a joint resolution directing the Mental Health Study Commission to study the Involuntary Commitment Law.

Referred to **Human Resources Committee**.

H. B. 1032, a bill to change the classification for second degree murder and change the maximum sentence for Class C felonies.

Referred to **Judiciary III Committee**.

H. B. 1081, a bill to repeal G. S. 163-154.

Referred to **Election Laws Committee**.

H. B. 1086, a bill to amend the absentee ballot deadline for the second primary to conform to the deadline for other elections set by Chapter 305, Session Laws of 1981, and to conform absentee voting for sales tax and soil and water elections to G. S. 163-226 as amended by Chapter 140, Session Laws of 1979.

Referred to **Election Laws Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

(Senator Lawing presides over a portion of today's Session.)

S. B. 554, a bill to increase the gasoline tax, the special fuels tax, and the tax on carriers using fuels purchased outside the State; to increase Powell Bill funds for municipalities; to provide for construction of secondary roads; to provide a motor fuel tax refund; to transfer

sales and use taxes on motor vehicle parts, accessories and lubricants to the Highway Fund; to increase motor vehicles fees; to increase the registration fees on property hauling vehicles; and to establish fees for oversize and overweight vehicles, upon second reading.

Senator Rauch rises to a point of parliamentary inquiry relative to consideration of the bill by the **Appropriations Committee** prior to consideration by the full Senate. The Chair rules that the bill is properly before the Senate.

Senator Gray offers Amendment No. 1, held to be material.

On motion of Senator Harrington, seconded by Senator Hardison, Amendment No. 1 is tabled.

The Chair rules that S. B. 548, being identical to Amendment No. 1, which lies upon the table, cannot be properly placed before the Senate.

Senator Rauch offers Amendment No. 2, which he subsequently withdraws.

Senator Lawing debates the bill (see Appendix) and calls the previous question, seconded by Senator Royall. The call is sustained.

The following pair is announced:

Senator Duncan, "aye"; Senator Harris, "no."

The bill passes its second reading by roll-call vote, ayes 32, noes 16, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Barnes, Clarke, Daniels, Frye, Garrison, Hancock, Hardison, Harrington, Jenkins, Jernigan, Johnson, Jordan, Lawing, Marion, Mathis, McDuffie, Noble, Palmer, Royall, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wynne — 32.

Voting in the negative: Senators Allred, Baker, Ballenger, Boger, Cavanagh, Cockerham, Creech, Gray, Kincaid, Marvin, Mills, Rauch, Raynor, Redman, Smith, and Wright — 16.

The bill remains on the Calendar upon third reading.

S. B. 320, Committee Substitute for **S. B. 320**, a bill to amend the Constitution of North Carolina to reserve to the people the right of initiative and referendum, upon second reading.

Senator Marvin offers Amendment No. 1 which is adopted.

Senator Kincaid offers Amendment No. 2. Senator Vickery offers a motion that Amendment No. 2 do lie upon the table, seconded by Senator Marvin. Senator Kincaid calls for the "ayes" and "noes" on the motion of Senator Vickery. The call is sustained. The motion of Senator Vickery that Amendment No. 2 do lie upon the table prevails by roll-call vote, ayes 30, noes 16, as follows:

Voting in the affirmative: Senators Alford, Barnes, Clarke, Creech, Daniels, Garrison, Gray, Hancock, Hardison, Harrington, Jenkins, Jordan, Lawing, Marvin, Mathis, Mills, Noble, Palmer, Rauch, Royall, Soles, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wynne — 30.

Voting in the negative: Senators Allred, Allsbrook, Baker, Ballenger, Boger, Cavanagh, Cockerham, Frye, Harris, Jernigan, Kincaid, McDuffie, Redman, Smith, Speed, and Wright — 16.

Amendment No. 2 lies upon the table.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 32, noes 15, as follows:

Voting in the affirmative: Senators Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Harris, Jenkins, Jernigan, Kincaid, Lawing, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, and Wright — 32.

Voting in the negative: Senators Alford, Creech, Daniels, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Jordan, Speed, Ward, Warren, White, and Wynne — 15.

Having received a three-fifths majority vote, the Committee Substitute bill, as amended, remains on the Calendar upon third reading.

S. B. 571, Committee Substitute for **S. B. 571**, a bill to transfer and reorganize the North Carolina Housing Finance Agency, upon second reading.

On motion of Senator Noble, consideration of the Committee Substitute bill is postponed until Thursday, June 4.

H. B. 514, a bill to amend Article 6 of Chapter 147 of the General Statutes concerning authorized investments for the General Fund and the Highway Fund.

On motion of Senator Jenkins, the bill is re-referred to the **Pensions and Retirement Committee**.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 388, Committee Substitute for **S. B. 388**, an act to repeal and amend the youth employment provisions of G. S. 95-25.5 of the Wage and Hour Act.

H. B. 313, Committee Substitute No. 2 for **H. B. 313**, an act to improve the laws relating to the collection of money judgments and the exemptions, Part 3, Exemptions.

H. B. 418, an act to transfer the Butner Public Safety Department from the Department of Human Resources to the Department of Crime Control and Public Safety.

H. B. 431, an act to change the calendaring dates for incompetency hearings.

H. B. 499, Committee Substitute for **H. B. 499**, an act to raise the State minimum wage.

H. B. 864, an act to allow a woman to resume her maiden name when she is divorced in another state.

On motion of Senator Lawing, seconded by Senator Allsbrook, the Senate adjourns to meet tomorrow at 1:30 P.M.

ONE HUNDREDTH DAY

SENATE CHAMBER,
Wednesday, June 3, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by Rabbi Abe Schoen, Beth Myer Synagogue, Raleigh.

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants a leave of absence to Senator Wynne for today through Friday, June 3, 4, and 5.

June 3, 1981

The President grants courtesies of the floor to Albert Martin, former Representative from Yadkin County.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator McDuffie for the **Election Laws Committee**:

S. B. 612, a bill to require counties that provide voters' lists from computers to make discs available to State political parties, with a favorable report.

H. B. 510, Committee Substitute for **H. B. 510**, a bill to amend G. S. 163-80 to provide that librarians in public high schools may register voters, with a favorable report.

H. B. 875, Committee Substitute for **H. B. 875**, a bill to remove most restrictions on political activities of members of State commissions, boards, councils and committees, with a favorable report.

By Senator Soles for the **Judiciary II Committee**:

S. B. 411, a bill to define the practice of chiropractic, with a favorable report.

By Senator Raynor for the **Law Enforcement and Crime Control Committee**:

S. B. 602, a bill to allow the Department of Correction to give credit for good conduct allowances toward the date on which they will become eligible for parole, with a favorable report.

H. B. 374, a bill to eliminate the Parole Commission from work release decisions, with a favorable report, as amended.

By Senator Marion for the **Local Government and Regional Affairs Committee**:

S. B. 561, a bill to enable the City of Gastonia to establish an Airport Authority for the maintenance and operation of airport facilities in Gaston County, with a favorable report.

S. B. 613, a bill to revise and consolidate the Charter of the Town of Hope Mills and to repeal prior local acts, with a favorable report.

H. B. 587, a bill authorizing the appointment of a special board of equalization and review for Mecklenburg County, with a favorable report.

H. B. 657, a bill relating to the disposal of County property by private sale in Mecklenburg County, with a favorable report.

H. B. 702, a bill to amend the restrictions on force account work as applies to the City of Monroe, with a favorable report.

H. B. 989, a bill to create a presumption that all notices required by law in certain sales under execution in Richmond County were duly served, with a favorable report.

By Senator Thomas of Craven for the **Natural and Economic Resources and Wildlife Committee**:

S. B. 616, a bill to provide for safe distances for hunting migratory wild waterfowl in Carteret and Pamlico Counties, with a favorable report.

H. B. 257, Committee Substitute for **H. B. 257**, a bill to amend Chapter 471 of the Session Laws of 1977, with a favorable report.

By Senator Johnson for the **Public Utilities and Energy Committee**:

S. B. 455, a bill to amend certain provisions of Chapter 62 of the General Statutes, the Public Utilities Act, with an unfavorable report.

S. J. R. 604, a joint resolution restating the goal of North Carolina to provide continued opportunity for economic advancement of all North Carolina citizens and expressing concern over the future adequacy of electric power to accomplish this goal, with a favorable report.

By Senator Barnes for the **State Government Committee**:

S. B. 27, a bill to permit cities and counties to transfer property to the United States, the United States Postal Service or assigns, with an unfavorable report.

S. B. 58, a bill to index personal income tax rates and deductions to the cost-of-living index, so as to avoid increasing taxes beyond the rate of inflation, with an unfavorable report.

S. B. 142, a bill to put the Department of Community Colleges within the jurisdiction of the Division of State Construction, with a favorable report, as amended.

S. B. 148, a bill to allow the Council of State to exempt individual lease transactions from competitive bidding, with an unfavorable report.

S. B. 176, a bill requiring State contracts to include a provision that acceptance of the contracts constitutes agreement to appear before legislative committees without charge, with an unfavorable report.

S. B. 454, a bill to enable cities, towns and counties to establish conservation districts, with an unfavorable report.

S. B. 458, a bill to allow Department of Correction employees and members of the Parole Commission to participate in political activities to the same extent as other State employees and members of other commissions, with an unfavorable report.

S. B. 582, a bill to require the purchase of insurance or the posting of a cash bond before a permit will be issued to professional housemovers, with a favorable report.

S. B. 610, a bill to raise the examination fee for psychologists, with a favorable report. On motion of Senator Barnes, the bill is re-referred to the **Finance Committee**.

S. B. 611, a bill to exempt certain governmental employees from certain of the license requirements previously established for practicing psychologists, with a favorable report, as amended.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

June 3, 1981

By Senators Jenkins, Rauch, Mathis, Marvin, Clarke, Marion, Vickery, Wynne, Creech, Thomas of Henderson, Garrison, Lawing, Swain, Johnson, Smith, Jordan, and McDuffie:

S. B. 628, a bill to increase the cigarette tax two cents per pack.

Referred to **Finance Committee**.

By Senators Thomas of Craven, Daniels, and Mills:

S. B. 629, a bill to establish a study commission to study commercial fishing licenses and shellfish leases.

Referred to **Natural and Economic Resources and Wildlife Committee**.

Senator Lawing moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Lawing:

S. B. 630, a bill to amend the Mecklenburg County Sales and Use Tax Act and to authorize the levy of an additional one percent sales and use tax in Mecklenburg County.

Referred to **Finance Committee**.

Senator Thomas of Craven moves that Rule 41 be suspended to allow the introduction and referral to committee of the following joint resolution, which motion prevails by a two-thirds majority vote.

By Senator Creech:

S. J. R. 631, a joint resolution authorizing a study of revenues and expenditures on highways and transportation and funding of the Highway Fund to produce a comprehensive and long-range plan.

Referred to **Rules and Operation of the Senate Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 62, a bill to abolish the distinction between accessories before the fact and principals and to make accessories before the fact punishable as principal felons, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, June 4.

H. B. 169, Committee Substitute No. 3 for **H. B. 169**, a bill to provide that when vacancies occur in the offices of county commissioner, sheriff, register of deeds, coroner, or partisan school board races, the appointing board or person must appoint the person recommended by the political party executive committee of the vacating officer, and by requiring a district bar to nominate candidates for district court judges of the same party of the vacating judge.

Referred to **Election Laws Committee**.

H. B. 291, Committee Substitute for **H. B. 291**, a bill to amend Chapter 90, Article 1 of the General Statutes relating to the practice of medicine.

Referred to **State Government Committee**.

H. B. 329, Committee Substitute for **H. B. 329**, a bill raising fees of registers of deeds.
Referred to **Finance Committee**.

H. B. 394, a bill to eliminate the hypothetical question.
Referred to **Judiciary II Committee**.

H. B. 676, a bill to amend the Constitution to authorize the General Assembly to prescribe a maximum age limit for service as a district attorney.
Referred to **Constitutional Amendments Committee**.

H. B. 695, Committee Substitute for **H. B. 695**, a bill to study and regulate the practice of midwifery in North Carolina.
Referred to **Human Resources Committee**.

H. B. 793, Committee Substitute for **H. B. 793**, a bill to provide that a receiver may be appointed in a proceeding to partition certain jointly owned property.
Referred to **Judiciary II Committee**.

H. B. 915, a bill to substitute lists of licensed drivers for taxpayers as a source of names for jury lists.
Referred to **Courts and Judicial Districts and Criminal Justice Committee**.

H. B. 921, Committee Substitute for **H. B. 921**, a bill to alter the composition of the Commission for Health Services.
Referred to **Human Resources Committee**.

H. B. 981, a bill to amend G. S. 36A-53(b) relative to amendment of trust to meet the requirements of Section 2055 (e)(2) of the Internal Revenue Code of 1954.
Referred to **Judiciary II Committee**.

H. B. 994, a bill to prohibit conflicts of interest by officers and employees administering the State medical assistance plan.
Referred to **Human Resources Committee**.

H. B. 1005, a bill to provide that appeals from the State Board of Elections be heard in the Superior Court of Wake County.
Referred to **Election Laws Committee**.

H. B. 1015, a bill to repeal various provisions of Chapter 135 providing for the purchase of retirement service credits for non-State service for new members of the Teachers' and State Employees' Retirement System.
Referred to **Pensions and Retirement Committee**.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 348, Committee Substitute for **S. B. 348**, an act to allow the Department of Agriculture to continue to impose fees or charges in compliance with G. S. 12-3.1.

H. B. 292, Committee Substitute No. 2 for **H. B. 292**, an act to amend Chapter 90, Article 6 of the General Statutes relating to optometry.

H. B. 361, Committee Substitute for **H. B. 361**, an act to conform State law to the Federal law on regulation for education of the handicapped.

CALENDAR

Bills and resolutions on the Calendar, carried forward as unfinished business, are taken up and disposed of as follows:

(Senator Lawing presides over a portion of today's Session.)

S. B. 128, a bill to prohibit the manufacture, delivery, sale, possession and use of drug paraphernalia, for concurrence in House Amendment No. 1.

On motion of Senator Raynor, the Senate concurs in House Amendment No. 1 and the bill is ordered enrolled.

S. B. 144, a bill to raise the monetary limits for requiring an architect or engineer, upon third reading.

Senator Cockerham offers Amendment No. 1 which is adopted.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives.

S. B. 502, Committee Substitute for **S. B. 502**, a bill setting forth duties of skiers and ski area operators and limitations thereof.

Senator Soles offers Amendment No. 1.

Senator Soles calls the previous question, seconded by Senator McDuffie. The call is sustained.

Amendment No. 1 is adopted.

Senator Marion calls the previous question, duly seconded. The call is sustained.

The Committee Substitute bill, as amended, passes its second reading.

On objection of Senator Soles to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for further consideration.

S. B. 576, a bill regarding loan brokers.

Senator Johnson offers Amendment No. 1 which is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 587, a bill to continue the North Carolina Environmental Policy Act of 1971.

The bill passes its second reading.

On objection of Senator Wright to its third reading, the bill remains on the Calendar for further consideration.

S. J. R. 608, a joint resolution authorizing the General Assembly and its committees on Congressional Redistricting to cross county lines in determining new congressional districts, upon third reading.

Senator Frye moves that the joint resolution be removed from its regular place on today's Calendar and taken up following **S. B. 87**, which motion prevails.

H. B. 360, a bill to permit boards of education to dispose of property in the same manner as counties and cities, as amended, upon third reading.

Senator Allsbrook offers Amendment No. 2 which is adopted.

The bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

H. B. 759, Committee Substitute for **H. B. 759**, a bill designating certain records and information of the administrator of credit unions as confidential records, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Jernigan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wright — 44.

The Committee Substitute bill remains on the Calendar upon third reading.

H. B. 988, a bill to provide additional authority for the protection of State officers. The bill passes its second and third readings and is ordered enrolled.

Bills and resolutions on the Calendar for today are taken up and disposed of as follows:

S. B. 486, a bill relating to the Winston-Salem Firemen's Retirement Fund Association.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 320, Committee Substitute for **S. B. 320**, a bill to amend the Constitution of North Carolina to reserve to the people the right of initiative and referendum, as amended, upon third reading.

Without objection, Senator Vickery moves that the Committee Substitute bill be placed on today's Calendar following **S. B. 554**.

S. B. 554, a bill to increase the gasoline tax, the special fuels tax, and the tax on carriers using fuels purchased outside the State; to increase Powell Bill funds for municipalities; to provide for construction of secondary roads; to provide a motor fuel tax refund; to transfer sales and use taxes on motor vehicle parts, accessories and lubricants to the Highway Fund; to increase motor vehicles fees; to increase the registration fees on property hauling vehicles; and to establish fees for oversize and overweight vehicles, upon third reading.

Senator Marvin offers Amendment No. 3, held to be material, which she subsequently withdraws.

Senator Wright offers Amendment No. 4 which is adopted.

Senator Wright offers Amendment No. 5 which fails of adoption.

Senator Harrington calls the previous question, seconded by Senator Hardison. The call is sustained.

The following pair is announced:

Senator Wynne, "aye"; Senator Cockerham, "no."

Without objection, the following Senator is excused from voting:

Senator Duncan: (no reason stated)

The bill, as amended, passes its third reading by roll-call vote, ayes 30, noes 17, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Barnes, Clarke, Daniels, Frye, Garrison, Hancock, Hardison, Harrington, Jenkins, Jernigan, Johnson, Jordan, Lawing, Marion, Mathis, Noble, Palmer, Royall, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, and White — 30.

Voting in the negative: Senators Allred, Baker, Ballenger, Boger, Cavanagh, Creech, Gray, Harris, Kincaid, Marvin, McDuffie, Mills, Rauch, Raynor, Redman, Smith, and Wright — 17.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S. B. 320, Committee Substitute for **S. B. 320**, a bill to amend the Constitution of North Carolina to reserve to the people the right of initiative and referendum, as amended, upon third reading.

Senator Vickery calls the previous question, duly seconded. The call is not sustained.

Senator Cockerham offers Amendment No. 3.

On motion of Senator Vickery, seconded by Senator Gray, Amendment No. 3 is tabled.

Senator Vickery calls the previous question, seconded by Senator Gray. The call is sustained.

Senator Hancock moves that the Senate do now adjourn, which motion fails for lack of a second.

Failing to receive a three-fifths majority affirmative vote, the Committee Substitute bill, as amended, fails to pass its third reading by roll-call vote, ayes 29, noes 16, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Harris, Jenkins, Jernigan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Rauch, Redman, Royall, Smith, Speed, Vickery, Walker, Ward, Warren, and Wright — 29.

Voting in the negative: Senators Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Johnson, Jordan, Noble, Palmer, Swain, Thomas of Craven, Thomas of Henderson, and White — 16.

Senator Hardison moves that the vote by which the Committee Substitute bill, as amended, failed to pass its third reading be reconsidered, and further moves that that motion do lie upon the table.

Senator Vickery calls for a division. The Chair rules a division is out of order as the motion to table cannot be divided.

Senator Kincaid moves that the Senate do now adjourn, seconded by Senator Rauch. The motion fails to prevail.

The motion of Senator Hardison to table the motion to reconsider fails to prevail, and the bill remains upon the table having failed to pass its third reading.

S. B. 572, a bill to amend the Constitution of North Carolina to provide that terms of legislators begin on January first following their election, upon second reading.

The bill passes its second reading by roll-call vote, ayes 36, noes 5, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Duncan, Frye, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Noble, Palmer, Raynor, Royall, Soles, Speed, Swain, Thomas of Craven, Vickery, Walker, Ward, and White — 36.

Voting in the negative: Senators Allred, Baker, Cockerham, Redman, and Wright — 5.

The bill remains on the Calendar upon third reading, having received a three-fifths majority affirmative vote.

S. B. 448, a bill to allow the North Carolina State Highway Patrol and the North Carolina Department of Correction to sell, trade or otherwise dispose of guns and to retain the proceeds or property obtained by such disposal, upon third reading.

On motion of Senator Swain, Committee Amendment No. 1 is adopted, changing the title to read **S. B. 448**, a bill to allow the North Carolina State Highway Patrol and the North Carolina Department of Correction to sell, trade or otherwise dispose of guns.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives.

S. B. 87, Committee Substitute for **S. B. 87**, a bill to divide North Carolina into eleven Congressional Districts.

On motions of Senator Alford, consideration of the bill is postponed until Tuesday, June 9, and is placed as Special Order of Business No. 1.

S. J. R. 608, a joint resolution authorizing the General Assembly and its committees on Congressional Redistricting to cross county lines in determining new congressional districts, upon third reading.

On motions of Senator Alford, consideration of the joint resolution is postponed until Tuesday, June 9, and is placed as Special Order of Business No. 2.

S. B. 538, a bill to establish guidelines for the accreditation of law enforcement agencies. The bill passes its second reading.

On objection of Senator Allsbrook to its third reading, the bill remains on the Calendar for further consideration.

S. B. 558, Committee Substitute for **S. B. 558**, a bill regarding regulation of the purchase of handguns.

Senator Vickery offers a motion that consideration of the Committee Substitute bill be postponed until Tuesday, June 9.

Senator Cockerham offers a motion that the Committee Substitute bill do lie upon the table, seconded by Senator Kincaid.

Senator Jernigan moves that the Senate do now adjourn, seconded by Senator Gray. The motion to adjourn prevails, and the Senate stands adjourned until tomorrow at 1:30 P.M.

ONE HUNDRED FIRST DAY

SENATE CHAMBER,
Thursday, June 4, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by Dr. C. R. Edwards, Pastor of First Baptist Church, Fayetteville.

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants a leave of absence to Senator Frye for today; to Senator Mathis for tomorrow and Monday, June 5 and 8; to Senator Vickery, who will be attending a U.N.C.-TV Board of Directors meeting in Chapel Hill, for tomorrow, June 5; and to Senators Boger, Garrison, and Jernigan for tomorrow, June 5. A leave of absence granted previously to Senator Wynne is noted.

The President extends courtesies of the floor to Phillip J. Kirk, Jr., former Senator from Rowan County.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles,

June 4, 1981

together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Mills for the **Banking Committee**:

S. B. 553, a bill to amend G. S. 24-1.1A relating to contract rates on home loans secured by first mortgages or first deeds of trust, with a favorable report, as amended.

H. B. 331, a bill to amend certain sections of Chapter 53 and other chapters of the General Statutes relating to banks and the Commissioner of Banks, with a favorable report, as amended.

On motion of Senator Mills, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted. The bill, as amended, is re-referred to the **Finance Committee**.

By Senator Duncan for the **Finance Committee**:

S. B. 50, a bill to place the phrase "First in Flight" and a representation of the Wright Brothers' airplane on registration plates, with a favorable report.

H. B. 572, Committee Substitute No. 2 for **H. B. 572**, a bill requiring local boards of education to charge tuition, with a favorable report, as amended.

By Senator Mathis for the **Insurance Committee**:

S. B. 546, a bill to require that all accident and health insurance policies provide for coverage for treatment in tax-supported institutions, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Mathis, the rules are suspended and the Committee Substitute bill which changes the title to read **S. B. 546**, Committee Substitute for **S. B. 546**, a bill to require that all accident and health insurance policies provide for coverage for treatment in State tax-supported institutions, is placed before the Senate for immediate consideration.

On motion of Senator Mathis, the Committee Substitute bill is adopted, and on her further motion is placed on the Calendar for Monday, June 8.

By Senator Soles for the **Judiciary II Committee**:

S. B. 192, a bill to repeal the penalty for willfully conducting nontestimonial identification procedures, with a favorable report.

S. B. 500, a bill to amend Chapter 97 of the General Statutes to change the definition of injury by accident, with an unfavorable report.

H. B. 394, a bill to eliminate the hypothetical question, with a favorable report.

H. B. 751, a bill to clarify circumstances under which a nonsecure custody order may be entered, with a favorable report.

H. B. 995, Committee Substitute No. 2 for **H. B. 995**, a bill to amend Chapter 7A of the General Statutes to allow the juvenile court judge to appoint a nonlawyer as guardian ad litem in abuse and neglect cases, with a favorable report.

H. B. 1022, a bill to consider net proceeds from certain university land sales as trust funds of the university, with a favorable report.

H. B. 1029, a bill to promote community service restitution as a condition of probation, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Thomas of Craven:

S. B. 632, a bill to split the Third Prosecutorial District into Prosecutorial District 3A, consisting of Pitt County, and Prosecutorial District 3B, consisting of Craven, Carteret and Pamlico Counties and to create, allocate and fund the positions required.

Referred to **Courts and Judicial Districts and Criminal Justice Committee**.

By Senator Hancock:

S. B. 633, a bill regarding deposit of funeral and burial trust funds.

Referred to **Judiciary II Committee**.

By Senator Creech:

S. B. 634, a bill to authorize the clerk of superior court to appoint a representative for making inventory of lockboxes.

Referred to **Judiciary III Committee**.

By Senator Daniels:

S. J. R. 635, a joint resolution honoring the life and memory of Lorimer W. Midgett, former member of the General Assembly.

Referred to **Rules and Operation of the Senate Committee**.

By Senator White:

S. B. 636, a bill to clarify G. S. 105-277.4(c) with regard to payment of property taxes upon disqualification of land used for agricultural or horticultural purposes.

Referred to **Finance Committee**.

By Senator Jordan:

S. B. 637, a bill to increase fees to be paid to the State Licensing Board for general contractors.

Referred to **Finance Committee**.

By Senators Royall and Hancock:

S. B. 638, a bill to appropriate funds for the North Carolina Museum of Life and Science.

Referred to **Appropriations Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 487, a bill to establish a program in the Department of Cultural Resources for the registration of historical military reenactment groups, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, June 5.

H. B. 960, a bill to amend Chapter 147 of the General Statutes to allow for the payroll deduction by a State employee of the cost of uniform rental and insurance premiums.
Referred to **State Government Committee**.

H. B. 1013, a bill to clarify the definition of "Fiduciary" for certain taxation purposes.
Referred to **Judiciary II Committee**.

H. B. 1044, a bill to amend G. S. 20-162 to clarify provisions relating to parking in fire lanes.
Referred to **Judiciary II Committee**.

H. B. 1082, a bill to amend the size and interest rate restrictions on mutual insurance company guaranty capital.
Referred to **Insurance Committee**.

H. B. 1095, a bill to amend the Historic Albemarle Tour Highway Act to include the City of Tarboro.
Referred to **Transportation Committee**.

CALENDAR

Bills and resolutions on the Calendar, carried forward as unfinished business are taken up and disposed of as follows:

(Senator Lawing presides over a portion of today's Session.)

S. B. 436, House Committee Substitute for **S. B. 436**, a bill to require the sheriff to furnish a list of jailed prisoners to clerks of court, for concurrence in the House Committee Substitute bill.

On motion of Senator Barnes, the Senate concurs in the House Committee Substitute bill.

The House Committee Substitute bill is ordered enrolled.

S. B. 558, Committee Substitute for **S. B. 558**, a bill regarding regulation of the purchase of handguns.

Senator Vickery offers a motion that consideration of the Committee Substitute bill be postponed until Tuesday, June 9.

Senator Cockerham, seconded by Senator Kincaid, offers a motion that the Committee Substitute bill do lie upon the table.

Senator Vickery, seconded by Senator Gray, offers a motion that the motion of Senator Cockerham do lie upon the table. The Chair rules that the motion of Senator Vickery is out of order.

The motion of Senator Cockerham that the Committee substitute bill do lie upon the table fails to prevail.

The motion of Senator Vickery to postpone consideration of the Committee Substitute bill until Tuesday, June 9, prevails.

S. B. 574, Committee Substitute for **S. B. 574**, a bill concerning the visitation rights of grandparents.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 596, a bill to make uniform qualifications for and to prohibit conflict of interests by election officials.

On motion of Senator McDuffie, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

H. B. 162, Committee Substitute for **H. B. 162**, a bill to amend G. S. 115-142.

On motion of Senator Hancock, Committee Amendment No. 1 is adopted changing the title.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 239, Committee Substitute for **H. B. 239**, a bill to clarify Rule 4(j) of the Rules of Civil Procedure.

On motion of Senator Swain, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 483, Committee Substitute for **H. B. 483**, a bill to authorize a husband and wife to own a mobile home as tenants by the entirety as recommended by the General Statutes Commission.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 573, a bill to clarify the definition of a nonresident for purposes of the reciprocal provision as to arrest of nonresidents for motor vehicle violations.

The bill passes its second and third readings and is ordered enrolled.

H. B. 796, a bill to amend G. S. 143-215.6 to provide for civil sanctions for violations of the Water Use Information Act.

The bill passes its second and third readings and is ordered enrolled.

H. B. 825, a bill to eliminate the payment of regular interest in the return of accumulated contributions from the Teachers' and State Employees' Retirement System, Local Governmental Employees' Retirement System, Law Enforcement Officers' Benefit and Retirement Fund, and Uniform Judicial Retirement system except to members with five or more years of membership service.

The bill passes its second reading.

On objection of Senator Clarke to its third reading the bill remains on the Calendar for further consideration.

H. B. 881, a bill to specify the procedure for appealing denial of registration.

On motion of Senator McDuffie, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 911, a bill to require that county boards of election file a copy of their precinct map with the State Board of Elections.

The bill passes its second and third readings and is ordered enrolled.

H. B. 933, a bill to eliminate special requirements for deeds conveying condominium units so that the general requirements of real estate law apply, as recommended by the General Statutes Commission.

The bill passes its second reading.

On objection of Senator Johnson to its third reading the bill remains on the Calendar for further consideration.

H. B. 965, a bill requiring all able-bodied prison inmates to work.

The bill passes its second and third readings and is ordered enrolled.

H. B. 980, a bill to permit organizations providing free services at highway rest areas to solicit contributions.

The bill passes its second reading.

On objection of Senator Wright to its third reading the bill remains on the Calendar for further consideration.

H. B. 1036, a bill to allow county road naming notices to be published in at least one newspaper rather than all the newspapers in the county.

The bill passes its second and third readings and is ordered enrolled.

Bills and resolutions on the Calendar for today are taken up and disposed of as follows:

S. B. 62, a bill to abolish the distinction between accessories before the fact and principals and to make accessories before the fact punishable as principal felons, for concurrence in House Amendment No. 1.

Senator Barnes moves that the Senate do not concur in House Amendment No. 1 and further moves that the President appoint conferees, which motion prevails.

S. B. 142, a bill to put the Department of Community Colleges within the jurisdiction of the Division of State Construction, upon second reading.

On motion of Senator Royall, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 43, noes 2, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Garrison, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Walker, Ward, Warren, and White — 43.

Voting in the negative: Senators Baker and Wright — 2.

The bill, as amended, remains on the Calendar upon third reading.

S. B. 411, a bill to define the practice of chiropractic.

Senator Johnson moves that the bill be re-referred to the **Human Resources Committee**, which motion fails to prevail.

Senator Soles calls the previous question, duly seconded.

Without objection, the following Senator is excused from voting for the stated reason:

Senator Allsbrook: "I have a granddaughter who holds a B. S. degree in Physical Therapy and is now practicing her profession at Raleigh Community Hospital. She opposes this bill and I would like to be excused from voting on this bill."

The bill passes its second reading.

On objection of Senator Johnson to its third reading the bill remains on the Calendar for further consideration.

S. B. 482, Committee Substitute for **S. B. 482**, a bill to exempt church-related day-care centers from certain licensing requirements.

Senator Swain calls the previous question, seconded by Senator Harris. The call is sustained.

The Committee Substitute bill passes its second reading.

On objection of Senator Gray to its third reading the Committee Substitute bill remains on the Calendar for further consideration.

S. B. 502, Committee Substitute for **S. B. 502**, a bill setting forth duties of skiers and ski area operators and limitations thereof, as amended, upon third reading.

Senator Marion offers a motion that consideration of the Committee Substitute bill be postponed until Tuesday, June 9.

Senator Soles offers a substitute motion that the Committee Substitute bill be referred to the **Judiciary I Committee**. The Chair rules the motion of Senator Soles out of order.

The motion of Senator Marion to postpone consideration of the Committee Substitute bill until Tuesday, June 9, prevails.

S. B. 513, a bill to remove the pre-marital blood test for venereal disease as a requirement for a marriage license.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 538, a bill to establish guidelines for the accreditation of law enforcement agencies, upon third reading.

The bill passes its third reading and is ordered sent to the House of Representatives.

S. B. 560, a bill to amend Article 1 of Chapter 87 of the General Statutes as the same relates to builders of residential housing.

Senator Harrington offers Amendment No. 1 which is adopted.

The bill, as amended, passes its second reading.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives.

S. B. 561, a bill to enable the City of Gastonia to establish an Airport Authority for the maintenance and operation of airport facilities in Gaston County, upon second reading.

The bill passes its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Duncan, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Kincaid, Lawing, Marion, Marvin, McDuffie, Noble, Palmer, Rauch, Raynor, Redman, Smith, Soles, Speed, Swain, Thomas of Craven, Walker, Ward, Warren, White and Wright — 40.

The bill remains on the Calendar upon third reading.

S. B. 571, Committee Substitute for **S. B. 571**, a bill to transfer and reorganize the North Carolina Housing Finance Agency, upon second reading.

Senator Noble offers Amendment No. 1 which is adopted.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Duncan, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Jordan, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Walker, Ward, Warren, White, and Wright — 42.

The Committee Substitute bill, as amended, remains on the Calendar upon third reading.

S. B. 572, a bill to amend the Constitution of North Carolina to provide that terms of legislators begin on January first following their election, upon third reading.

The bill passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Garrison, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Johnson, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Noble, Palmer, Rauch, Raynor, Redman, Smith, Soles, Speed, Swain, Thomas of Craven, Walker, Ward, Warren, White, and Wright — 42.

Having received a three-fifths majority affirmative vote, the bill is ordered sent to the House of Representatives.

S. B. 582, a bill to require the purchase of insurance or the posting of a cash bond before a permit will be issued to professional housemovers.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H. B. 587, a bill authorizing the appointment of a special board of equalization and review for Mecklenburg County, upon third reading.

The bill passes its second and third reading and is sent to the House of Representatives.

S. B. 602, a bill to allow the Department of Correction to give credit for good conduct allowances toward the date on which they will become eligible for parole.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. J. R. 604, a joint resolution restating the goal of North Carolina to provide continued opportunity for economic advancement of all North Carolina citizens and expressing concern over the future adequacy of electric power to accomplish this goal.

Senator Daniels offers Amendment No. 1 which is adopted.

The bill passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 611, a bill to exempt certain governmental employees from certain of the license requirements previously established for practicing psychologists.

On motion of Senator Hancock, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 612, a bill to require counties that provide voters' lists from computers to make discs available to State political parties.

Senator Jernigan offers Amendment No. 1 which is adopted, changing the title to read **S. B. 612**, a bill to require counties that provide voters' lists from computers to make discs or tapes available to State political parties.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 613, a bill to revise and consolidate the Charter of the Town of Hope Mills and to repeal prior local acts, upon second reading.

The bill passes its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Duncan, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Kincaid, Lawing, Marion, Marvin, McDuffie, Noble, Palmer, Rauch, Raynor, Redman, Smith, Soles, Speed, Swain, Thomas

of Craven, Walker, Ward, Warren, White, and Wright — 40.

The bill remains on the Calendar upon third reading.

S. B. 616, a bill to provide for safe distances for hunting migratory wild waterfowl in Carteret and Pamlico Counties.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H. B. 95, Committee Substitute for **H. B. 95**, a bill to provide judicial review of a psychiatrist's determination to release an involuntarily committed mental patient who has committed violent acts.

On motion of Senator Harris, consideration of the Committee Substitute bill is postponed until Tuesday, June 9.

H. B. 179, a bill to make technical amendments to Chapters 14 and 122 of the General Statutes to clarify procedures for the handling of the public inebriate and chronic alcoholics.

The bill passes its second and third readings and is ordered enrolled.

H. B. 257, Committee Substitute for **H. B. 257**, a bill to amend Chapter 471 of the Session Laws of 1977.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 374, a bill to eliminate the Parole Commission from work release decisions.

On motion of Senator Allsbrook, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 510, Committee Substitute for **H. B. 510**, a bill to amend G. S. 163-80 to provide that librarians in public high schools may register voters.

On motion of Senator Allsbrook, seconded by Senator Soles, the Committee Substitute bill is tabled.

H. B. 587, a bill authorizing the appointment of a special board of equalization and review for Mecklenburg County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 657, a bill relating to the disposal of County property by private sale in Mecklenburg County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 680, a bill to change the procedure for appointing hospital authorities in counties with a population less than 75,000.

The bill passes its second reading.

On objection of Senator Speed to its third reading the bill remains on the Calendar for further consideration.

H. B. 702, a bill to amend the restrictions on force account work as applies to the City of Monroe.

The bill passes its second and third readings and is ordered enrolled.

H. B. 759, Committee Substitute for **H. B. 759**, a bill designating certain records and information of the administrator of credit unions as confidential records, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Garrison, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Walker, Ward, Warren, White, and Wright — 43.

The Committee Substitute bill is ordered enrolled.

H. B. 814, a bill to clarify the licensing of homes for the aged, disabled and infirm, upon second reading.

On motion of Senator Harris, Committee Amendments No. 1 and No. 2 are adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Duncan, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Walker, Ward, Warren, and Wright — 42.

The bill, as amended, remains on the Calendar upon third reading.

H. B. 875, Committee Substitute for **H. B. 875**, a bill to remove most restrictions on political activities of members of State commissions, boards, councils, and committees.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 989, a bill to create a presumption that all notices required by law in certain sales under execution in Richmond County were duly served.

The bill passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 128, an act to prohibit the manufacture, delivery, sale, possession and use of drug paraphernalia.

S. B. 332, Committee Substitute for **S. B. 332**, an act to eliminate the application and deferral requirements from the ad valorem taxation of historic property.

S. B. 354, an act to clarify the authority of the Capital Building Authority with respect to territorial jurisdiction and award of informal contracts.

S. B. 449, Committee Substitute for **S. B. 449**, an act to establish minimum standards for Medicare supplement insurance.

H. B. 219, Committee Substitute for **H. B. 219**, an act to amend the composition of the Child Day-Care Licensing Commission.

H. B. 988, an act to provide additional authority for the protection of State officers.

On motion of Senator Royall, seconded by Senator Rauch, the Senate adjourns to meet tomorrow at 10:45 A.M.

ONE HUNDRED SECOND DAY

SENATE CHAMBER,
Friday, June 5, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"God of might, we confess we play at games of power; moving persons and institutions around to satisfy our need to feel in control of our destinies. We pay scant attention to the needs of those less powerful than ourselves, manipulating them as a child would toys in a playpen. Forgive our sin of neglectful pride, O God, and help us to remember that all stand under Your sovereign providence. Cause us to share power with our brothers and sisters, knowing it is a gift to be used wisely, not for our benefit alone, but for the good of Your whole creation. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senators Harris and Marion for today. Leaves of absence granted previously to Senators Boger, Garrison, Jernigan, Mathis, Vickery, and Wynne are noted.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Raynor for Senator Harris for the **Human Resources Committee**:

H. B. 815, a bill to authorize representatives of the Department of Human Resources who are empowered to inspect certain facilities to have access to confidential medical records and information pertaining to the patients or residents of those facilities, with a favorable report, as amended.

By Senator Creech for the **Judiciary III Committee**:

S. B. 24, House Committee Substitute for Committee Substitute No. 2 for **S. B. 24**, a bill for equitable distribution of marital property, with an unfavorable report, as to concurrence.

On motion of Senator Creech, the rules are suspended and the House Committee Substitute bill is placed before the Senate for immediate consideration. Senator Creech moves that the Senate do not concur in the House Committee Substitute bill, which motion prevails.

H. B. 797, Committee Substitute for **H. B. 797**, a bill to amend the Water Use Act of 1967, so as to update its notice, hearings and appeal procedures, to eliminate outmoded and redundant provisions, and for related purposes, with a favorable report, as amended.

By Senator Jenkins for Senator Jernigan for the **Manufacturing, Labor and Commerce Committee**:

June 5, 1981

H. B. 1017, a bill to allow credits in unemployment insurance fund accounts to be transferred when experience rating employers change to reimbursement employers, with a favorable report.

By Senator Jenkins for the **Pensions and Retirement Committee**:

S. B. 510, a bill to prevent disability retirement for a disabling condition which existed prior to membership in the Local Governmental Employees' Retirement System, the Teachers' and State Employees' Retirement System, the Uniform Judicial Retirement System and the Law Enforcement Officers' Benefit and Retirement Fund, with a favorable report.

S. B. 511, a bill to apply the same standard for disability retirement as for reexamination and to increase the age for reexamination in the North Carolina Local Governmental Retirement System, the Teachers' and State Employees' Retirement System and the Uniform Judicial Retirement System, with a favorable report.

H. B. 899, a bill to amend the law relating to supplemental retirement benefits of Monroe firemen, with a favorable report.

H. B. 927, a bill to provide a supplemental retirement fund for firemen in the Town of Farmville and to modify the application of G. S. 118-5, 118-6 and 118-7 to the Town of Farmville, with a favorable report.

By Senator Barnes for the **State Government Committee**:

S. B. 520, a bill to incorporate Section 1008 of Chapter X of Volume 1 Building Code, titled "Special Safety to Life Requirements Applicable to Existing High-Rise Buildings" into the General Statutes of North Carolina, with a favorable report, as amended.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Johnson:

S. B. 639, a bill to authorize the North Carolina Utilities Commission to employ temporary court reporters.

Referred to **Public Utilities and Energy Committee**.

Senator Redman moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Redman and Ballenger:

S. B. 640, a bill to repeal a local act concerning a vacancy in the office of Yadkin County sheriff.

Referred to **Local Government and Regional Affairs Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 284, Committee Substitute for **H. B. 284**, a bill to amend Article 7 of Chapter 74 concerning the Mining Act of 1971.

Referred to **State Government Committee**.

H. B. 621, a bill to authorize the City of Wilmington to exercise the special powers granted therein when the municipal governing body designates itself to exercise the powers, duties and responsibilities of a redevelopment commission.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 705, a bill to amend the Charter of the Town of Nags Head to permit the regulation of tow truck operations.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 730, a bill establishing a Harbor Authority for the operation and maintenance of public harbors in the County of Carteret.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 820, a bill to clarify the prima facie evidence rule for passing a stopped school bus.

Referred to **Judiciary II Committee**.

H. B. 823, Committee Substitute for **H. B. 823**, a bill to establish a drug education program and to strengthen the laws against persons who possess controlled substances while allowing conditional discharge and expunction of records for first offense.

Referred to **Human Resources Committee**.

H. B. 943, Committee Substitute for **H. B. 943**, a bill to require a minimum period of five years of membership service for a retirement allowance from the State administered retirement systems and to provide for the coordination of judges retirement benefits.

Referred to **Pensions and Retirement Committee**.

H. B. 983, a bill to require continuation and conversion privileges in group health insurance policies and plans.

Referred to **Insurance Committee**.

H. B. 1016, a bill to limit unused sick leave as a creditable service in the Local Governmental Employees' Retirement System and the Teachers' and State Employees' Retirement System.

Referred to **Pensions and Retirement Committee**.

H. B. 1024, a bill to exempt from the sales tax charges for property and services obtained from out-of-state funeral directors.

Referred to **Finance Committee**.

H. B. 1031, Committee Substitute for **H. B. 1031**, a bill to make technical changes in license provisions administered by the North Carolina Wildlife Resources Commission.

Referred to **Natural and Economic Resources and Wildlife Committee**.

H. B. 1058, a bill to amend Chapter 112 of the 1981 Session Laws as it relates to Forsyth County.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 1093, a bill to require notification of apiary owners before applying pesticides in the area.

Referred to **Agriculture Committee**.

H. B. 1124, a bill to amend G. S. 20-129(d) as it relates to size of reflectors required for trailers.

Referred to **Transportation Committee**.

H. B. 1136, a bill to validate past annexations and elections of and by the Town of Sylva.

Referred to **Local Government and Regional Affairs Committee**:

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S. B. 62

HOUSE OF REPRESENTATIVES

June 5, 1981

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Amendment to **S. B. 62**, a bill to be entitled an act to abolish the distinction between accessories before the fact and principals and to make accessories before the fact punishable as principal felons, the Speaker has appointed as conferees on the part of the House, Representatives Morgan, Watkins, and Lancaster to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
GRACE COLLINS
Principal Clerk

The President appoints Senators Barnes, Creech, and Noble as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 50, a bill to place the phrase "First in Flight" and a representation of the Wright Brothers' airplane on registration plates, as amended.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 142, a bill to put the Department of Community Colleges within the jurisdiction of the Division of State Construction, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 34, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harrington, Jenkins, Jordan, Kincaid, Lawing, Marvin, Mills, Rauch, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Walker, Ward, Warren, White, and Wright — 34.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S. B. 192, a bill to repeal the penalty for willfully conducting nontestimonial identification procedures, upon third reading.

The bill passes its third reading and is ordered sent to the House of Representatives.

June 5, 1981

S. B. 411, a bill to define the practice of chiropractic, upon third reading.

Senator Hancock offers Amendment No. 1. Senator Jenkins, seconded by Senator Soles, moves that Amendment No. 1 do lie upon the table, which motion prevails, and Amendment No. 1 lies upon the table.

Senator Royall, Chairman of the **Ways and Means Committee**, requests that a fiscal note be prepared for the bill, which the President orders and places the bill on the Calendar for Tuesday, June 9, for further consideration.

Without objection, Senator Royall withdraws the request for a fiscal note.

Senator Jenkins moves that the bill be taken from the Calendar for Tuesday, June 9, and placed before the Senate for further consideration, which motion prevails.

Senator Jenkins offers Amendment No. 2 which is adopted.

Senator Hancock offers Amendment No. 3 which he subsequently withdraws.

Senator Jenkins offers Amendment No. 4 which is adopted.

Senator Jenkins, duly seconded, calls the previous question. The call is sustained.

Without objection, the following Senator is excused from voting for the stated reason:

Senator Allsbrook: "I have a granddaughter who holds a B. S. degree in Physical Therapy and is now practicing her profession at Raleigh Community Hospital. She opposes this bill and I would like to be excused from voting on this bill."

The bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives.

S. B. 482, Committee Substitute for **S. B. 482**, a bill to exempt church-related day-care centers from certain licensing requirements, upon third reading.

Senator Creech rises to a point of order as to the necessity of the bill being re-referred to the **Appropriations Committee** prior to consideration by the Senate. The point of order is not sustained.

Senator Creech offers Amendment No. 1. Senator Hardison, seconded by Senator Swain, moves that Amendment No. 1 do lie upon the table, which motion prevails, and Amendment No. 1 lies upon the table.

Senator Swain calls the previous question, duly seconded. The call is sustained.

The Committee Substitute bill passes its third reading and is ordered sent to the House of Representatives.

S. B. 487, a bill to establish a program in the Department of Cultural Resources for the registration of historical military reenactment groups, for concurrence in House Amendment No. 1.

On motion of Senator Warren, the Senate concurs in House Amendment No. 1 and the bill is ordered enrolled.

S. B. 553, a bill to amend G. S. 24-1.1A relating to contract rates on home loans secured by first mortgages or first deeds of trust.

On motion of Senator Hardison, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 561, a bill to enable the City of Gastonia to establish an Airport Authority for the maintenance and operation of airport facilities in Gaston County, upon third reading.

The bill passes its third reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Clarke, Cockerham, Creech, Duncan, Frye, Gray, Hancock, Hardison, Harrington, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Ward, Warren, White, and Wright — 38.

The bill is ordered sent to the House of Representatives.

S. B. 571, Committee Substitute for **S. B. 571**, a bill to transfer and reorganize the North Carolina Housing Finance Agency, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harrington, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Walker, Ward, Warren, White, and Wright — 41.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives.

S. B. 613, a bill to revise and consolidate the Charter of the Town of Hope Mills and to repeal prior local acts, upon third reading.

The bill passes its third reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Clarke, Cockerham, Creech, Duncan, Frye, Gray, Hancock, Hardison, Harrington, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Ward, Warren, White, and Wright — 38.

The bill is ordered sent to the House of Representatives.

H. B. 394, a bill to eliminate the hypothetical question.

On motion of Senator Soles, consideration of the bill is postponed until Tuesday, June 9.

H. B. 572, Committee Substitute No. 2 for **H. B. 572**, a bill requiring local boards of education to charge tuition, upon second reading.

On motion of Senator Duncan, Committee Amendment No. 1 is adopted.

The Committee Substitute bill No. 2, as amended, passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harrington, Jenkins, Johnson, Kincaid, Lawing, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, and Wright — 41.

The Committee Substitute bill No. 2, as amended, remains on the Calendar upon third reading.

H. B. 680, a bill to change the procedure for appointing hospital authorities in counties with a population less than 75,000, upon third reading.

The bill passes its third reading and is ordered enrolled.

H. B. 751, a bill to clarify circumstances under which a nonsecure custody order may be entered.

The bill passes its second and third readings and is ordered enrolled.

H. B. 814, a bill to clarify the licensing of homes for the aged, disabled and infirm, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harrington, Johnson, Jordan, Kincaid, Lawing, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, and Wright — 41.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

H. B. 825, a bill to eliminate the payment of regular interest in the return of accumulated contributions from the Teachers' and State Employees' Retirement System, Local Governmental Employees' Retirement System, Law Enforcement Officers' Benefit and Retirement Fund, and Uniform Judicial Retirement System except to members with five or more years of membership service, upon third reading.

On motion of Senator Frye, consideration of the bill is postponed until Monday, June 8.

H. B. 933, a bill to eliminate special requirements for deeds conveying condominium units so that the general requirements of real estate law apply, as recommended by the General Statutes Commission, upon third reading.

The bill passes its third reading and is ordered enrolled.

H. B. 980, a bill to permit organizations providing free services at highway rest areas to solicit contributions, upon third reading.

Senator Wright offers Amendment No. 1 which is adopted.

The bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 995, Committee Substitute No. 2 for **H. B. 995**, a bill to amend Chapter 7A of the General Statutes to allow the juvenile court judge to appoint a nonlawyer as guardian ad litem in abuse and neglect cases.

The Committee Substitute bill No. 2 passes its second and third readings and is ordered enrolled.

H. B. 1022, a bill to consider net proceeds from certain university land sales as trust funds of the university.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1029, a bill to promote community service restitution as a condition of probation.

The bill passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 300, an act to amend the Constitution of North Carolina to provide for four-year terms for members of the General Assembly and to make conforming changes to other Sections of the Constitution concerning elections for other officers and filling vacancies.

S. B. 379, Committee Substitute for **S. B. 379**, an act to limit workers' compensation insurance rate filings with the Commissioner of Insurance to one filing per year.

S. B. 436, House Committee Substitute for **S. B. 436**, an act to require the sheriff to furnish a list of jailed prisoners to clerks of court.

S. B. 534, an act to allow the Sheriff and Deputy Sheriffs of Cherokee County to purchase automobiles from State surplus.

H. B. 179, an act to make technical amendments to Chapters 14 and 122 of the General Statutes to clarify procedures for the handling of the public inebriate and chronic alcoholics.

H. B. 257, Committee Substitute for **H. B. 257**, an act to amend Chapter 471 of the Session Laws of 1977.

H. B. 483, Committee Substitute for **H. B. 483**, an act to authorize a husband and wife to own a mobile home as tenants by the entirety as recommended by the General Statutes Commission.

H. B. 573, an act to clarify the definition of a nonresident for purposes of the reciprocal provision as to arrest of nonresidents for motor vehicle violations.

H. B. 587, an act authorizing the appointment of a special board of equalization and review for Mecklenburg County.

H. B. 657, an act relating to the disposal of County property by private sale in Mecklenburg County.

H. B. 702, an act to amend the restrictions on force account work as applies to the City of Monroe.

H. B. 759, Committee Substitute for **H. B. 759**, an act designating certain records and information of the administrator of credit unions as confidential records.

H. B. 783, an act to amend Article IV of the State Constitution to permit recall of retired Supreme Court Justices or Court of Appeals Judges to serve temporarily on either appellate court.

H. B. 796, an act to amend G. S. 143-215.6 to provide for civil sanctions for violations of the Water Use Information Act.

H. B. 875, Committee Substitute for **H. B. 875**, an act to remove most restrictions on political activities of members of State commissions, boards, councils, and committees.

H. B. 911, an act to require that county boards of election file a copy of their precinct map with the State Board of Elections.

H. B. 965, an act requiring all able-bodied prison inmates to work.

H. B. 989, an act to create a presumption that all notices required by law in certain sales under execution in Richmond County were duly served.

H. B. 1036, an act to allow county road naming notices to be published in at least one newspaper rather than all the newspapers in the county.

On motion of Senator Lawing, seconded by Senator Allsbrook, the Senate adjourns to meet Monday at 8:00 P.M.

ONE HUNDRED THIRD DAY

SENATE CHAMBER,
Monday, June 8, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, whose will for all Your children is life and hope and abundance everlasting; we pray tonight for those who do not share as fully as we do in the abundance of Your creation. Help us to discover policies and decisions we have made that unfairly distribute Your goodness, causing some to suffer while others have more than they need. Show us how to have the kind of society we all want, where none of Your children will be malnourished, poorly clothed, or without shelter, and where all will have a fair opportunity to share in the abundant life. We have all experienced Your grace, O God. Now help us to take seriously Your command to love our neighbor as ourselves, that we may at last, with Your aid, return this earth to the innocence, abundance, goodness, and joy You intended in creation. Amen."

Senator Warren for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants a leave of absence to Senator Harrington for tonight. A leave of absence granted previously to Senator Mathis is noted.

The President recognizes the following pages serving in the Senate this week: David A. Alexander, Warrenton; James Cantey Alexander, Greensboro; William George Byrd, Garner; David Laurence Cohen, Charlotte; Timothy Grey Dean, Willow Springs; Rusty Douglas, Statesville; Derek M. Eily, Roxboro; Angie Fishel, Winston-Salem; Lisa Rena Fox, Morganton; Howard Douglas Goforth, Statesville; Lisa Kimberly Hedgepeth, Raleigh; Elizabeth Johnson, Raleigh; Frank Dozier Knight, Greensboro; Prenby Elu Massey, Zebulon; George Donaldson Murphy, Jr., Hickory; William Martin Nesbitt, Raleigh; Vernon Carson Norman, Robersonville; Susan Pearson, Clinton; John Spencer Rainey, Jr., Enfield; Benjamin Edison Roney III, Raleigh; Lori Susanne Sandy, Fayetteville; Scott Anthony Sigmon, Taylorsville; William Gregory Terry, Raleigh; Scott Thomas, Vanceboro; and Berdenia Pecolia Walker, Raleigh.

APPOINTMENT OF CONFEREES

S. B. 24, House Committee Substitute for Committee Substitute No. 2 for **S. B. 24**, a bill for equitable distribution of marital property.

Senator Creech moves that the President appoint conferees, which motion prevails. The President appoints Senators Barnes, Creech, and Marvin as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

RE-REFERRALS

S. B. 87, Committee Substitute for **S. B. 87**, a bill to divide North Carolina into eleven Congressional Districts.

June 8, 1981

On motion of Senator Marvin, the Committee Substitute bill is taken from the Calendar as Special Order No. 1 for Tuesday, June 9, and is placed on the Calendar as Special Order No. 1 for Wednesday, June 10.

S. J. R. 608, a joint resolution authorizing the General Assembly and its committees on Congressional Redistricting to cross county lines in determining new congressional districts.

On motion of Senator Alford, the joint resolution is taken from the Calendar as Special Order No. 2 for Tuesday, June 9, and is placed on the Calendar as Special Order No. 2 for Wednesday, June 10.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Royall, Gray, McDuffie, Marvin, Garrison, Jordan, Rauch, Jenkins, Lawing, and Harris:

S. B. 641, a bill to repeal the cigarette tax and impose a cigarette manufacturers' excise tax.

Referred to **Ways and Means Committee**.

Senator Thomas of Craven moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Thomas of Craven:

S. B. 642, a bill to prohibit hunting on the right-of-way of and shooting across SR-1600 in Craven County.

Referred to **Natural and Economic Resources and Wildlife Committee**.

Senator Allred moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Allred:

S. B. 643, a bill to require the written permission of the landholder to take game in Alamance County.

Referred to **Natural and Economic Resources and Wildlife Committee**.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H. B. 73, Senate Committee
Substitute for **H. B. 73**

HOUSE OF REPRESENTATIVES
June 8, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for **H. B. 73**, a bill to be entitled an act to amend G. S. 50-13.4 to make the father and the mother primarily liable for support, and requests conferees. The Speaker has appointed Representatives Hack-

ney, Adams, and Hux on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
GRACE COLLINS
Principal Clerk

Senator Harris moves that the President appoint conferees, which motion prevails. The President appoints Senators Harris, Hardison, and Swain as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H. B. 360

House of Representatives
June 8, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Amendment No. 1 to **H. B. 360**, a bill to be entitled an act to permit boards of education to dispose of property in the same manner as counties and cities, and requests conferees. The Speaker has appointed Representatives Blue, Wright, and Evans on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
GRACE COLLINS
Principal Clerk

Senator Raynor moves that the President appoint conferees, which motion prevails. The President appoints Senators Raynor, Allsbrook, and Soles as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H. B. 920

House of Representatives
June 8, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate amendment to **H. B. 920**, a bill to be entitled an act to amend the Speedy Trial Law, and requests conferees. The Speaker has appointed Representatives Wright, Hux, and Hackney on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
GRACE COLLINS
Principal Clerk

Senator Swain moves that the President appoint conferees, which motion prevails. The President appoints Senators Swain, Barnes, and Thomas of Henderson as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

June 8, 1981

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 138, a bill to make assault on emergency medical services personnel a felony, for concurrence in House Amendments No. 1 and No. 2, which is placed on the Calendar for tomorrow, June 9.

S. B. 593, a bill to amend Chapter 136 to require a notice, public meeting and a statement of the specific reason for a recommendation by the board of county commissioners for a deviation in the paving projects or the priority of tentative secondary road paving projects in the annual work program proposed by the Department of Transportation, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, June 9.

H. B. 32, a bill to change the personal income tax rate brackets to reduce taxes.
Referred to **Finance Committee**.

H. B. 294, Committee Substitute No. 2 for **H. B. 294**, a bill to amend Chapter 90, Article 12A, of the General Statutes relating to podiatrists.
Referred to **State Government Committee**.

H. B. 387, a bill to increase the personal income tax exemptions.
Referred to **Finance Committee**.

H. B. 618, a bill to authorize the City of Wilmington to exercise the power of eminent domain to acquire real property for purposes of public auditoriums, coliseums, and convention and civic centers.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 714, Committee Substitute for **H. B. 714**, a bill to amend G. S. 153A-345(b) relating to the duties of the Mecklenburg County Zoning Board of Adjustment.
Referred to **Local Government and Regional Affairs Committee**.

H. B. 725, a bill to authorize Mecklenburg County to increase the size of its Board of Social Services.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 947, Committee Substitute for **H. B. 947**, a bill to allow the traditional general law definition of just compensation in condemnation of privately owned public utilities by repealing G. S. 40-7.1 which limits such compensation.

Referred to **Judiciary III Committee**.

H. B. 971, a bill to allow counties to treat several streets within the same subdivision as a unit in considering assessments for improvements of subdivision streets.

Referred to **Transportation Committee**.

H. B. 978, Committee Substitute for **H. B. 978**, a bill to provide that actions to contest the validity of a county zoning ordinance must be brought within nine months of adoption of the ordinance.

Referred to **Judiciary II Committee**.

H. B. 999, Committee Substitute for **H. B. 999**, a bill to permit the towing of unauthorized vehicles parked on State-owned public grounds within the City of Raleigh

under the control of the Department of Administration.

Referred to **State Government Committee**.

H. B. 1004, a bill to clarify the scope of judicial review of an advisory decision of the State Personnel Commission.

Referred to **Judiciary II Committee**.

H. B. 1018, a bill to authorize physician extenders to perform physical examinations of prison inmates.

Referred to **Human Resources Committee**.

H. B. 1030, a bill to authorize controlled harvest of antlerless deer in areas of overpopulation.

Referred to **Natural and Economic Resources and Wildlife Committee**.

H. B. 1063, a bill to partially exempt sales of animal waste treatment equipment to farmers from the sales tax.

Referred to **Finance Committee**.

H. B. 1065, a bill to clarify the scope of the partial sales tax exemption for certain farm equipment.

Referred to **Finance Committee**.

H. B. 1094, a bill to repeal the inventory and stamp requirements for beer and wine sales to military reservations.

Referred to **Finance Committee**.

H. B. 1115, a bill to amend G. S. 113-272.5 relating to captivity licenses on cougars.

Referred to **Natural and Economic Resources and Wildlife Committee**.

H. B. 1119, a bill to allow a fuel tax refund for volunteer rescue squads.

Referred to **Finance Committee**.

H. B. 1125, a bill concerning weight limits for motor vehicles hauling forest products.

Referred to **Transportation Committee**.

H. B. 1129, a bill to correct technical errors in G. S. 141-7.1.

Referred to **State Government Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 510, a bill to prevent disability retirement for a disabling condition which existed prior to membership in the Local Governmental Employees' Retirement System, the Teachers' and State Employees' Retirement System, the Uniform Judicial Retirement System and the Law Enforcement Officers' Benefit and Retirement Fund.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 511, a bill to apply the same standard for disability retirement as for reexamination and to increase the age for reexamination in the North Carolina Local Governmental Retirement System, the Teachers' and State Employees' Retirement System and the Uniform Judicial Retirement System.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

June 8, 1981

S. B. 520, a bill to incorporate Section 1008 of Chapter X of Volume 1 Building Code, titled "Special Safety to Life Requirements Applicable to Existing High-Rise Buildings" into the General Statutes of North Carolina.

On motion of Senator Hancock, Committee Amendment No. 1 is adopted.

On motion of Senator Swain, consideration of the bill, as amended, is postponed until Tuesday, June 9.

S. B. 546, Committee Substitute for **S. B. 546**, a bill to require that all accident and health insurance policies provide for coverage for treatment in State tax-supported institutions.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

H. B. 572, Committee Substitute No. 2 for **H. B. 572**, a bill requiring local boards of education to charge tuition, as amended, upon third reading.

Senator Speed offers Amendment No. 2 which is adopted.

The Committee Substitute bill No. 2, as amended, passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 47.

The Committee Substitute bill No. 2, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

H. B. 797, Committee Substitute for **H. B. 797**, a bill to amend the Water Use Act of 1967, so as to update its notice, hearings and appeal procedures, to eliminate outmoded and redundant provisions, and for related purposes.

On motion of Senator Barnes, consideration of the Committee Substitute bill is postponed until Wednesday, June 10.

H. B. 815, a bill to authorize representatives of the Department of Human Resources who are empowered to inspect certain facilities to have access to confidential medical records and information pertaining to the patients or residents of those facilities, upon second reading.

On motion of Senator Harris, Committee Amendment No. 1 is adopted.

Senator Soles offers Amendment No. 2 which is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 46, noes 1, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wynne — 46.

Voting in the negative: Senator Wright — 1.

The bill, as amended, remains on the Calendar upon third reading.

H. B. 825, a bill to eliminate the payment of regular interest in the return of accumulated contributions from the Teachers' and State Employees' Retirement System, Local Governmental Employees' Retirement System, Law Enforcement Officers'

Benefit and Retirement Fund, and Uniform Judicial Retirement System except to members with five or more years of membership service, upon third reading.

Senator Johnson offers Amendment No. 1 which is adopted.

The bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 899, a bill to amend the law relating to supplemental retirement benefits of Monroe firemen.

The bill passes its second and third readings and is ordered enrolled.

H. B. 927, a bill to provide a supplemental retirement fund for firemen in the Town of Farmville and to modify the application of G. S. 118-5, 118-6 and 118-7 to the Town of Farmville.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1017, a bill to allow credits in unemployment insurance fund accounts to be transferred when experience rating employers change to reimbursement employers.

The bill passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 487, an act to establish a program in the Department of Cultural Resources for the registration of historical military reenactment groups.

S. B. 535, an act to prohibit the hunting of deer with rifles, and the taking of any wildlife from public roads, in Mecklenburg County.

H. B. 680, an act to change the procedure for appointing hospital authorities in counties with a population less than 75,000.

H. B. 751, an act to clarify circumstances under which a nonsecure custody order may be entered.

H. B. 933, an act to eliminate special requirements for deeds conveying condominium units so that the general requirements of real estate law apply, as recommended by the General Statutes Commission.

H. B. 995, Committee Substitute No. 2 for **H. B. 995**, an act to amend Chapter 7A of the General Statutes to allow the juvenile court judge to appoint a nonlawyer as guardian ad litem in abuse and neglect cases.

H. B. 1022, an act to consider net proceeds from certain university land sales as trust funds of the university.

H. B. 1029, an act to promote community service restitution as a condition of probation.

On motion of Senator Lawing, seconded by Senator Jordan, the Senate adjourns to meet tomorrow at 1:30 P.M.

ONE HUNDRED FOURTH DAY

SENATE CHAMBER,
Tuesday, June 9, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"God of creation, we rejoice today with the psalmist who wrote: 'The heavens are telling the glory of God; and the firmament proclaims His handiwork.' We praise You, O God, for signs of Your loving concern that surround us, and give You thanks for the beauty of this world that fills us with such joy, and brings us into harmony with Your created order. As we enjoy this world, O Lord, help us also to preserve and protect it, that our children and our children's children may find in it the same occasion for joy that is ours today. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President extends courtesies of the floor to J. Marvin Johnson, former Senator from Johnston County.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator White for the **Agriculture Committee**:

H. B. 1093, a bill to require notification of apiary owners before applying pesticides in the area, with a favorable report.

By Senator Noble for the **Alcoholic Beverage Control Committee**:

S. B. 355, a bill to allow beer sales in certain townships, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Noble, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Noble, the Committee Substitute is adopted, and on his further motion is placed on the Calendar for Wednesday, June 10.

S. B. 589, a bill to prohibit open beer or wine containers in certain motor vehicles, with a favorable report.

By Senator Duncan for the **Finance Committee**:

S. B. 552, a bill to amend the business opportunity sales law, with an unfavorable report as to bill, but favorable as to Committee substitute bill.

On motion of Senator Duncan, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Duncan, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, June 11.

S. B. 577, a bill to assess a fee for each nuclear electric generating plant located in North Carolina for the purpose of deferring the costs of planning emergency response as required by the Federal Emergency Management Agency, with a favorable report.

On motion of Senator Duncan, the bill is re-referred to the **Appropriations Committee**.

H. B. 293, Committee Substitute for **H. B. 293**, a bill to amend Chapter 90, Article 17 of the General Statutes relating to dispensing opticians, with a favorable report.

H. B. 299, Committee Substitute No. 2 for **H. B. 299**, a bill to amend Chapter 93D of the General Statutes relating to hearing aid dealers and fitters, with a favorable report.

H. B. 868, a bill to provide for the production and sale of biologics for the treatment of animals in North Carolina, with a favorable report.

By Senator Soles for the **Judiciary II Committee**:

H. B. 350, a bill to expressly provide that private security officers are competent, compellable witnesses in legal proceedings as recommended by the General Statutes Commission, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Senate Committee Substitute bill, which changes the title to read **H. B. 350**, Senate Committee Substitute for **H. B. 350**, a bill to expressly provide that private security officers are competent, compellable witnesses in legal proceedings and to provide that private security officers employed by attorneys cannot be compelled to testify, is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Wednesday, June 10.

H. B. 793, Committee Substitute for **H. B. 793**, a bill to provide that a receiver may be appointed in a proceeding to partition certain jointly owned property, with a favorable report, as amended.

H. B. 894, a bill to clarify requirements for the filing of condominium plans, with a favorable report, as amended.

H. B. 981, a bill to amend G. S. 36A-53(b) relative to amendment of trust to meet the requirements of Section 2055(e)(2) of the Internal Revenue Code of 1954, with a favorable report.

H. B. 1019, a bill to regulate rental referral agencies, with a favorable report.

By Senator Harrington for the **Transportation Committee**:

H. B. 749, Committee Substitute for **H. B. 749**, a bill to adopt a "Model Ridesharing Law" and to amend the Wage and Hour Law, motor vehicles, taxation and taxi regulations to promote public and private ridesharing arrangements, with a favorable report.

On motion of Senator Harrington, the Committee Substitute bill is re-referred to the **Finance Committee**.

H. B. 1095, a bill to amend the Historic Albemarle Tour Highway Act to include the City of Tarboro, with a favorable report.

H. B. 1124, a bill to amend G. S. 20-129(d) as it relates to size of reflectors required for trailers, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Thomas of Henderson and Palmer:

S. J. R. 644, a joint resolution honoring the life and memory of Asbury Lee Penland, former member of the General Assembly.

Referred to **Rules and Operation of the Senate Committee**.

By Senator Gray:

S. B. 645, a bill to abolish the Highway Fund.

Referred to **Transportation Committee**.

By Senator Jordan:

S. B. 646, a bill to amend G. S. 20-119 relating to special permits for vehicles of excessive size or weight.

Referred to **Transportation Committee**.

By Senator Creech:

S. B. 647, a bill to require an applicant for vehicle registration to certify that no delinquent property taxes are owed on the vehicle and that the vehicle has been listed for property taxes.

Referred to **Judiciary III Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S. B. 24, House Committee
Substitute for **S. B. 24**

House of Representatives
June 9, 1981

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Committee Substitute to Committee Substitute No. 2, **S. B. 24**, a bill to be entitled an act for equitable distribution of marital property, the Speaker has appointed as conferees on the part of the House, Representatives P. Hunt, Morgan, Pulley, Barbee, and Hayden to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
GRACE COLLINS
Principal Clerk

The Chair appoints the following additional conferees: Senators Speed and Thomas of Henderson; and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

June 9, 1981

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 229, House Committee Substitute for **S. B. 229**, a bill to make sundry amendments relating to local governments in Orange County, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, June 10.

S. B. 380, Committee Substitute for **S. B. 380**, a bill to authorize the Department of Human Resources to charge rates and fees for services rendered to the public, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, June 10.

H. B. 439, Committee Substitute for **H. B. 439**, a bill to amend Chapter 66 of the General Statutes to protect trade secrets.

Referred to **Judiciary II Committee**.

H. B. 1056, a bill to rewrite the Navigation Act.

Referred to **State Government Committee**.

H. J. R. 1112, a joint resolution honoring John W. Covington, Jr., a former member of the General Assembly.

Referred to **Rules and Operation of the Senate Committee**.

H. J. R. 1117, a joint resolution urging the Congress of the United States to oppose the deregulation of the peanut growing industry.

Referred to **Agriculture Committee**.

H. B. 1123, a bill to exempt medicines sold on prescription of veterinarians from the retail sales tax.

Referred to **Finance Committee**.

H. J. R. 1130, a joint resolution honoring the life and memory of General Douglas MacArthur.

Referred to **Rules and Operation of the Senate Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 138, a bill to make assault on emergency medical services personnel a felony, for concurrence in House Amendments No. 1 and No. 2.

On motion of Senator Kincaid, the Senate concurs in House Amendments No. 1 and No. 2 and the bill is ordered enrolled.

S. B. 502, Committee Substitute for **S. B. 502**, a bill setting forth duties of skiers and ski area operators and limitations thereof, as amended, upon third reading.

Senator Swain offers Amendment No. 2 which fails of adoption.

Senator Marion offers Amendment No. 3 which is adopted.

On motion of Senator Frye, the Committee Substitute bill, as amended, is re-referred to the **Judiciary I Committee**.

S. B. 520, a bill to incorporate Section 1008 of Chapter X of Volume 1 Building Code, titled "Special Safety to Life Requirements Applicable to Existing High-Rise Buildings" into the General Statutes of North Carolina, as amended.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 558, Committee Substitute for **S. B. 558**, a bill regarding regulation of the purchase of handguns.

Senator Vickery offers Amendment No. 1, Amendment No. 2, and Amendment No. 3, which are adopted.

Senator Harris, seconded by Senator Kincaid, moves that the Committee Substitute bill, as amended, do lie upon the table, which motion prevails, and the bill lies upon the table.

S. B. 593, a bill to amend Chapter 136 to require a notice, public meeting and a statement of the specific reason for a recommendation by the board of county commissioners for a deviation in the paving projects or the priority of tentative secondary road paving projects in the annual work program proposed by the Department of Transportation, for concurrence in House Amendment No. 1.

On motion of Senator Hardison, the Senate concurs in House Amendment No. 1 and the bill is ordered enrolled.

H. B. 95, Committee Substitute for **H. B. 95**, a bill to provide judicial review of a psychiatrist's determination to release an involuntarily committed mental patient who has committed violent acts.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 394, a bill to eliminate the hypothetical question.

Senator Allsbrook offers Amendment No. 1 which fails of adoption.

Senator Soles calls the previous question, which he subsequently withdraws.

Senator Allsbrook offers Amendment No. 2 which he subsequently withdraws.

Senator Soles calls the previous question, seconded by Senator Swain. The call is sustained.

The bill passes its second reading.

On objection of Senator Allsbrook to its third reading, the bill remains on the Calendar for further consideration.

H. B. 815, a bill to authorize representatives of the Department of Human Resources who are empowered to inspect certain facilities to have access to confidential medical records and information pertaining to the patients or residents of those facilities, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 41, noes 3, as follows:

Voting in the affirmative: Senators Allsbrook, Baker, Ballenger, Barnes, Boger, Cockerham, Daniels, Duncan, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wynne — 41.

Voting in the negative: Senators Allred, Cavanagh, and Wright — 3.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 417, an act to make technical changes to Chapter 116B regarding escheats and abandoned property.

H. B. 899, an act to amend the law relating to supplemental retirement benefits of Monroe firemen.

H. B. 927, an act to provide a supplemental retirement fund for firemen in the Town of Farmville and to modify the application of G. S. 118-5, 118-6 and 118-7 to the Town of Farmville.

H. B. 1017, an act to allow credits in unemployment insurance fund accounts to be transferred when experience rating employers change to reimbursement employers.

On motion of Senator Lawing, seconded by Senator Royall, the Senate adjourns to meet tomorrow at 1:30 P.M.

ONE HUNDRED FIFTH DAY

SENATE CHAMBER,
Wednesday, June 10, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"God Our Father, You draw us into the future, leading us to where You already are. We thank You for signs of hope in the world; for occasions when men and women live together in harmony, when nations settle their differences peacefully, when labor and management work together for the common good, when Democrats and Republicans put aside party loyalties. In this confusing and threatening world, O God, we are thankful for such signs of Your peace, Your hope, Your Spirit's presence among us. May we, in all that we do, work toward that day when these will not be random signs of a promised future but shall be constant principles of a joyful present. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Swain for the **Courts and Judicial Districts and Criminal Justice Committee**:

June 10, 1981

S. B. 632, a bill to split the Third Prosecutorial District into Prosecutorial District 3A, consisting of Pitt County, and Prosecutorial District 3B, consisting of Craven, Carteret and Pamlico Counties and to create, allocate and fund the positions required, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Swain, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Swain, the Committee Substitute bill is adopted, and on his further motion is re-referred to **Appropriations Committee**.

H. B. 946, a bill to increase the monetary jurisdiction of magistrates, with a favorable report.

By Senator McDuffie for the **Election Laws Committee**:

H. B. 1005, a bill to provide that appeals from the State Board of Elections be heard in the Superior Court of Wake County, with a favorable report.

H. B. 1081, a bill to repeal G. S. 163-154, with a favorable report.

H. B. 1086, a bill to amend the absentee ballot deadline for the second primary to conform to the deadline for other elections set by Chapter 305, Session Laws of 1981, and to conform absentee voting for sales tax and soil and water elections to G. S. 163-226 as amended by Chapter 140, Session Laws of 1979, with a favorable report.

By Senator Harris for the **Human Resources Committee**:

S. B. 615, a bill to allow sanitary districts to contract with incorporated nonprofit volunteer or community fire departments for fire protection, with a favorable report.

S. B. 622, a bill to allow sanitary districts to provide rescue services, and levy a tax therefor, with a favorable report.

On motion of Senator Harris, the bill is re-referred to the **Finance Committee**.

H. B. 821, a bill to clarify the authority of the Department of Human Resources to operate the North Carolina School for the Deaf at Morganton and the Eastern North Carolina School for the Deaf at Wilson, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Harris, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Harris, the Senate Committee Substitute bill is adopted and on his further motion is placed on the Calendar for Thursday, June 11.

H. B. 921, Committee Substitute for **H. B. 921**, a bill to alter the composition of the Commission for Health Services, with a favorable report.

H. B. 942, a bill to amend the law governing the North Carolina Board of Mortuary Science, with a favorable report.

On motion of Senator Harris, the bill is re-referred to the **Finance Committee**.

H. B. 945, Committee Substitute for **H. B. 945**, a bill to clarify what birth certificate information shall be returned to the register of deeds in the county of birth, with a favorable report.

H. J. R. 1001, a joint resolution directing the Mental Health Study Commission to study the Involuntary Commitment Law, with a favorable report.

By Senator Mathis for the **Insurance Committee**:

S. B. 579, a bill to amend the law relating to the renewability of individual and blanket hospitalization and accident and health insurance policies, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Mathis, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Mathis, the Committee Substitute bill is adopted, and on her further motion is placed on the Calendar for Friday, June 12.

S. B. 620, a bill to amend G. S. 58-79 relating to domestic stock and mutual life insurance company investments, with a favorable report.

H. B. 22, Committee Substitute No. 2 for **H. B. 22**, a bill to provide for the availability in farmowners' and other property insurance policies of coverage against loss by weight of ice, snow, or sleet, with a favorable report.

By Senator Creech for the **Judiciary III Committee**:

S. B. 634, a bill to authorize the clerk of superior court to appoint a representative for making inventory of lockboxes, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Creech, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Creech, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, June 11.

H. B. 1032, a bill to change the classification for second degree murder and change the maximum sentence for Class C felonies, with a favorable report.

By Senator Marion for the **Local Government and Regional Affairs Committee**:

H. B. 504, Committee Substitute for **H. B. 504**, a bill to expand the Pamlico County Board of Education, and to provide that five members be elected by the nonpartisan election and runoff method and two by the nonpartisan plurality method, with a favorable report.

H. B. 882, a bill to amend the Charter of the City of Winston-Salem by adding provisions relating to fair housing, with a favorable report.

H. B. 1058, a bill to amend Chapter 112 of the 1981 Session Laws as it relates to Forsyth County, with a favorable report.

By Senator Jenkins for the **Pensions and Retirement Committee**:

S. B. 261, a bill to repeal the reduction in disability retirement allowances of gainfully employed disability retirees and the requirement for annual income statements in the Law Enforcement Officers' Benefit and Retirement Fund, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Jenkins, the rules are suspended and the Committee Substitute bill, which changes the title to read **S. B. 261**, Committee Substitute for **S. B. 261**, a bill to limit the reduction in disability retirement allowances of gainfully employed disability retirees of the Law Enforcement Officers' Benefit and Retirement Fund, is placed before the Senate for immediate consideration.

On motion of Senator Jenkins, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, June 12.

H. B. 1016, a bill to limit unused sick leave as a creditable service in the Local Governmental Employees' Retirement System and the Teachers' and State Employees' Retirement System, with a favorable report.

By Senator Johnson for the **Public Utilities and Energy Committee**:

S. B. 639, a bill to authorize the North Carolina Utilities Commission to employ temporary court reporters, with a favorable report.

On motion of Senator Johnson, the bill is re-referred to the **Appropriations Committee**.

By Senator Barnes for the **State Government Committee**:

H. B. 279, Committee Substitute for **H. B. 279**, a bill to amend Chapter 88 of the General Statutes pertaining to the practice of cosmetic art, with a favorable report.

On motion of Senator Barnes, the Committee Substitute bill is re-referred to the **Finance Committee**.

H. B. 290, Committee Substitute for **H. B. 290**, a bill to amend Chapter 90, Article 22 of the General Statutes relating to speech and language pathologists and audiologists, with a favorable report.

H. B. 291, Committee Substitute for **H. B. 291**, a bill to amend Chapter 90, Article 1 of the General Statutes relating to the practice of medicine, with a favorable report.

H. B. 308, a bill to add contractual services to the list of responsibilities of the Purchase and Contract Division and to increase the formal bid requirement to five thousand dollars, with a favorable report, as amended.

H. B. 455, Committee Substitute for **H. B. 455**, a bill to change the name and restructure the State Library Committee, with a favorable report.

On motion of Senator Barnes, the Committee Substitute bill is re-referred to the **Appropriations Committee**.

H. B. 719, a bill to amend the North Carolina Securities Act to provide an alternative method of registering securities dealers and salesmen and to make other changes, with a favorable report.

On motion of Senator Barnes, the bill is re-referred to the **Appropriations Committee**.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Vickery, Walker, Jernigan, Duncan, Creech, Thomas of Craven, Johnson, Garrison, Gray, Marvin, Mills, Royall, Hancock, Jordan, Warren, Ward, McDuffie, Soles, Raynor, Daniels, Jenkins, Harrington, Alford, Speed, Lawing, White, Allsbrook, Harris, Rauch, Palmer, Swain, Marion, Noble, Barnes, Smith, Clarke, Frye, and Ballenger.

S. J. R. 648, a joint resolution honoring the life and work of Paul Green, North Carolina's former Dramatist Laureate.

Referred to **Rules and Operation of the Senate Committee**.

By Senator Garrison:

S. B. 649, a bill to repeal radio microwave speed-measuring instrument procedures.

Referred to **Judiciary II Committee**.

By Senator Garrison:

S. B. 650, a bill to provide for service of notice of revocation of operators' licenses and vehicle registrations by mail or publication and to delete the requirement that pickup orders be served by law enforcement officers.

Referred to **Judiciary II Committee**.

By Senators Marvin, Jenkins, Gray, Wynne, Lawing, Rauch, and Vickery:

S. B. 651, a bill to increase the cigarette tax three cents per pack and to distribute the increased revenue to counties to be used for health and social services programs.

Referred to **Finance Committee**.

By Senators Jenkins, Barnes, Marvin, Gray, Clarke, Hancock, Palmer, Royall, Warren, Raynor, Redman, Soles, Daniels, Harrington, Thomas of Craven, Alford, and Speed:

S. B. 652, a bill to make the records of the Industrial Commission open to the public.

Referred to **Judiciary II Committee**.

By Senator Jenkins:

S. B. 653, a bill to clarify the independence of the Industrial Commission from the Secretary of Commerce in the appointment of deputy commissioners and in the exercise of its quasi-judicial functions.

Referred to **Judiciary II Committee**.

By Senator Duncan:

S. B. 654, a bill to prohibit the Commission for Health Services from requiring baffles in sanitary sewage disposal systems.

Referred to **Human Resources Committee**.

By Senator Mathis:

S. B. 655, a bill to establish standards for the collection, use, and disclosure of information gathered in connection with insurance transactions by insurers, agents, and insurance-support organizations.

Referred to **Insurance Committee**.

Senator Baker moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Baker and Kincaid:

S. B. 656, a bill to authorize Avery County to hold a referendum on levying a County privilege license tax measured by gross receipts.

Referred to **Finance Committee**.

By Senator Harris:

S. B. 657, a bill to amend G. S. 24-11 relating to revolving credit.

Referred to **Banking Committee**.

By Senators Garrison, Hardison, Harrington, Sales, Harris, Johnson, Gray, Lawing, Smith, and Jordan:

S. B. 658, a bill to authorize the use of variable or adjustable rate loans for financing mobile or manufactured homes.

Referred to **Banking Committee**.

Senator Alford moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Alford and Speed:

S. B. 659, a bill protecting waterfowl within a 500 yard radius of the Rocky Mount Tar River Reservoir in Nash County.

Referred to **Local Government and Regional Affairs Committee**.

Senator Thomas of Craven moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Thomas of Craven:

S. B. 660, a bill authorizing the Town of Beaufort to regulate navigable waters within its boundaries.

Referred to **Natural and Economic Resources and Wildlife Committee**.

Senator Thomas of Craven moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Thomas of Craven:

S. B. 661, a bill to allow the County of Craven to use the provisions of Chapter 136 of the General Statutes in condemnation proceedings.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Raynor and Wright:

S. B. 662, a bill to permit taxpayers to receive ad valorem tax credit in the amount of the assessed value of real property conveyed to a county for the purpose of credit.

Referred to **Finance Committee**.

By Senators McDuffie, Harris, Swain, Ballenger, Boger, Noble, Speed, Redman, and Smith:

S. B. 663, a bill to require that abortions be performed in hospitals after the first trimester of pregnancy.

Referred to **Judiciary I Committee**.

By Senators McDuffie, Jernigan, Boger, Ballenger, and Cavanagh:

S. B. 664, a bill to authorize a binding referendum on the question of whether to raise the legal drinking age.

Referred to **Election Laws Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S. B. 158, House Committee Substitute for **S. B. 158**, a bill to change the rate of interest in the Consumer Finance Act and to correct several references and the new legal usury rate and loan ceiling, for concurrence in the House Committee Substitute bill which is placed on the Calendar for tomorrow, June 11.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 206, House Committee Substitute for **S. B. 206**, a bill to extend time limitations for proof in asbestosis and silicosis claims, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, June 11.

S. B. 393, Committee Substitute for **S. B. 393**, a bill to rewrite Chapter 898, Session Laws of 1979, relating to more effective services to children and families in North Carolina, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, June 11.

S. B. 405, a bill to repeal G. S. 163-178, which requires clerks of court to report election results to the Secretary of State, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, June 11.

S. B. 439, a bill to permit family care homes for handicapped people in all residential and other zoning districts, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, June 11.

S. B. 516, a bill to clarify landlord eviction remedies in residential tenancies, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, June 11.

H. B. 883, Committee Substitute for **H. B. 883**, a bill to exempt certain nonhazardous small jobs from city and county building inspection.

Referred to **Manufacturing, Labor and Commerce Committee**.

H. B. 972, a bill to clarify the provisions of the Machinery Act on listing real property characteristics in preparation for revaluation.

Referred to **Finance Committee**.

H. B. 1038, Committee Substitute for **H. B. 1038**, a bill to exempt from property taxation real property irrevocably dedicated for human burial purposes.

Referred to **Finance Committee**.

H. B. 1062, a bill to increase the amount of income a retiree over age 62 may earn as a public employee before reducing a service retirement allowance from the Teachers' and State Employees' Retirement System and Local Governmental Employees' Retirement System.

Referred to **Pensions and Retirement Committee**.

H. B. 1084, a bill to extinguish certain liens on fruits and vegetables sold at auction.

Referred to **State Government Committee**.

H. B. 1105, a bill to amend Chapter 282 of the 1981 Session Laws to clarify when one savings and loan association may merge with another.

Referred to **Banking Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

SPECIAL ORDER NO. 1

Committee Substitute for **S. B. 87**

The hour having arrived for the consideration of Special Order No. 1, the President of the Senate lays before the Senate Special Order No. 1, it being **S. B. 87**, Committee Substitute for **S. B. 87**, a bill to divide North Carolina into eleven Congressional Districts.

On motion of Senator Marvin, the Committee Substitute bill is recommitted to the **Redistricting - Congressional Committee**.

SPECIAL ORDER NO. 2

S. J. R. 608

The hour having arrived for the consideration of Special Order No. 2, the President of the Senate lays before the Senate Special Order No. 2, it being **S. J. R. 608**, a joint resolution authorizing the General Assembly and its committees on Congressional Redistricting to cross county lines in determining new congressional districts, upon third reading.

The joint resolution passes its third reading and is sent to the House of Representatives.

S. B. 229, House Committee Substitute for **S. B. 229**, a bill to make sundry amendments relating to local governments in Orange County, for concurrence in the House Committee Substitute bill upon second reading.

On motion of Senator Vickery, the House Committee Substitute bill is recommitted to the **Local Government and Regional Affairs Committee**.

S. B. 355, Committee Substitute for **S. B. 355**, a bill to allow beer sales in certain townships.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

Senator Marion requests to be recorded voting "no."

S. B. 380, Committee Substitute for **S. B. 380**, a bill to authorize the Department of Human Resources to charge rates and fees for services rendered to the public, for concurrence in House Amendment No. 1 upon second reading.

On motion of Senator Jordan, the Senate concurs in House Amendment No. 1 by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Jordan, Kincaid, Marvin, Mathis, Palmer, Rauch, Redman, Royall, Smith, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 37.

The Committee Substitute bill remains on the Calendar upon third reading.

S. B. 589, a bill to prohibit open beer or wine containers in certain motor vehicles.

Senator Marion offers Amendment No. 1 which is adopted.

Senator Rauch offers Amendment No. 2 which is adopted.

Senator Redman offers Amendment No. 3 which fails of adoption.

Senator Marion calls the previous question, seconded by Senator Harris. The call is sustained.

The bill passes its second reading.

On objection of Senator Hancock to its third reading the bill, as amended, remains on the Calendar for further consideration.

H. B. 293, Committee Substitute for **H. B. 293**, a bill to amend Chapter 90, Article 17 of the General Statutes relating to dispensing opticians, as amended, upon second reading.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 47.

The Committee Substitute bill, as amended, remains on the Calendar upon third reading.

H. B. 299, Committee Substitute No. 2 for **H. B. 299**, a bill to amend Chapter 93D of the General Statutes relating to hearing aid dealers and fitters, as amended, upon second reading.

The Committee Substitute bill No. 2, as amended, passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 47.

The Committee Substitute bill No. 2, as amended, remains on the Calendar upon third reading.

H. B. 350, Senate Committee Substitute for **H. B. 350**, a bill to expressly provide that private security officers are competent, compellable witnesses in legal proceedings and to provide that private security officers employed by attorneys cannot be compelled to testify.

Senator Soles offers Amendment No. 1 which is adopted.

The Senate Committee Substitute bill, as amended, passes its second reading.

On objection of Senator Swain to its third reading, the Senate Committee Substitute bill, as amended, remains on the Calendar for further consideration.

H. B. 394, a bill to eliminate the hypothetical question, upon third reading.

Senator Allsbrook offers Amendment No. 3 which fails of adoption.

The bill passes its third reading and is ordered enrolled.

H. B. 793, Committee Substitute for **H. B. 793**, a bill to provide that a receiver may be appointed in a proceeding to partition certain jointly owned property.

On motion of Senator Soles, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 797, Committee Substitute for **H. B. 797**, a bill to amend the Water Use Act of 1967, so as to update its notice, hearings and appeal procedures, to eliminate outmoded and redundant provisions, and for related purposes.

On motion of Senator Barnes, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 868, a bill to provide for the production and sale of biologics for the treatment of animals in North Carolina, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger,

Barnes, Boger, Cavanagh, Clarke, Cockerham, Daniels, Frye, Garrison, Gray, Hancock, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 45.

The bill remains on the Calendar upon third reading.

H. B. 894, a bill to clarify requirements for the filing of condominium plans.

On motion of Senator Johnson, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 981, a bill to amend G. S. 36A-53(b) relative to amendment of trust to meet the requirements of Section 2055(e)(2) of the Internal Revenue Code of 1954.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1019, a bill to regulate rental referral agencies.

The bill passes its second reading.

On objection of Senator Frye to its third reading the bill remains on the Calendar for further consideration.

H. B. 1093, a bill to require notification of apiary owners before applying pesticides in the area.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1095, a bill to amend the Historic Albemarle Tour Highway Act to include the City of Tarboro.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1124, a bill to amend G. S. 20-129(d) as it relates to size of reflectors required for trailers.

The bill passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 138, an act to make assault on emergency medical services personnel a felony.

S. B. 593, an act to amend Chapter 136 to require a notice, public meeting and a statement of the specific reason for a recommendation by the board of county commissioners for a deviation in the paving projects or the priority of tentative secondary road paving projects in the annual work program proposed by the Department of Transportation.

H. B. 95, Committee Substitute for **H. B. 95**, an act to provide judicial review of a psychiatrist's determination to release an involuntarily committed mental patient who has committed violent acts.

H. B. 162, Committee Substitute for **H. B. 162**, an act to amend G. S. 115C-325.

H. B. 174, Senate Committee Substitute No. 2 for **H. B. 174**, an act to provide defense of employees and officers of area mental health, mental retardation and substance abuse authorities and of the agencies with which the area authority contracts for the provision of services.

H. B. 239, Committee Substitute for **H. B. 239**, an act to clarify Rule 4(j) of the Rules of Civil Procedure.

H. B. 374, an act to eliminate the Parole Commission from work release decisions.

H. B. 881, an act to specify the procedure for appealing denial of registration.

On motion of Senator Lawing, seconded by Senator Gray, the Senate adjourns to meet tomorrow at 1:30 P.M.

ONE HUNDRED SIXTH DAY

SENATE CHAMBER,
Thursday, June 11, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Richard H. Little, Pastor of Reynolda Presbyterian Church, Winston-Salem.

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senators Creech and Vickery for today.

The President extends courtesies of the gallery to Mrs. Thomas J. Pearsall, widow of the former Speaker of the House of Representatives from Nash County, and to his children and family.

RE-REFERRAL

S. J. R. 631, a joint resolution authorizing a study of revenues and expenditures on highways and transportation and funding of the Highway Fund to produce a comprehensive and long-range plan.

On motion of Senator Lawing, the joint resolution is taken from the **Rules and Operation of the Senate Committee** and re-referred to the **Appropriations Committee**.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Clarke for the **Constitutional Amendments Committee**:

H. B. 676, a bill to amend the Constitution to authorize the General Assembly to prescribe a maximum age limit for service as a district attorney, with a favorable report, as amended.

By Senator Soles for the **Judiciary II Committee**:

H. B. 1004, a bill to clarify the scope of judicial review of an advisory decision of the State Personnel Commission, with a favorable report.

H. B. 1044, a bill to amend G. S. 20-162 to clarify provisions relating to parking in fire lanes, with a favorable report.

By Senator Thomas of Craven for the **Natural and Economic Resources and Wildlife Committee**:

S. B. 232, a bill to establish a fund to purchase coastal lands which have been subject to natural disaster when such acquisition would serve a public purpose, with a favorable report.

On motion of Senator Thomas of Craven, the bill is re-referred to the **Appropriations Committee**.

S. B. 265, a bill to permit fox hunting with firearms under certain conditions in Avery and Wilkes Counties, with a favorable report, as amended.

On motion of Senator Thomas of Craven, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee**.

S. B. 629, a bill to establish a study commission to study commercial fishing licenses and shellfish leases, with a favorable report, as amended.

On motion of Senator Thomas of Craven, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee**.

S. B. 642, a bill to prohibit hunting on the right-of-way of and shooting across SR-1600 in Craven County, with a favorable report, as amended.

H. B. 1030, a bill to authorize controlled harvest of antlerless deer in areas of overpopulation, with a favorable report.

On motion of Senator Thomas of Craven, the bill is re-referred to the **Finance Committee**.

H. B. 1031, Committee Substitute for **H. B. 1031**, a bill to make technical changes in license provisions administered by the North Carolina Wildlife Resources Commission, with a favorable report.

On motion of Senator Thomas of Craven, the Committee Substitute bill is re-referred to the **Finance Committee**.

H. B. 1115, a bill to amend G. S. 113-272.5 relating to captivity licenses on cougars, with a favorable report.

By Senator Lawing for the **Rules and Operation of the Senate Committee**:

S. J. R. 392, a joint resolution authorizing the Legislative Research Commission to study standards and procedures for all residential group care programs for children and youth, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Lawing, the rules are suspended and the Committee Substitute joint resolution, which changes the title to read **S. J. R. 392**, Committee Substitute for **S. J. R. 392**, a joint resolution authorizing the Mental Health Study Commission to study standards and procedures for all residential group care programs for children and youth, is placed before the Senate for immediate consideration.

On motion of Senator Lawing, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Appropriations Committee**.

S. J. R. 519, a joint resolution directing the Legislative Research Commission to study regional offices operated by State agencies, with a favorable report.

On motion of Senator Lawing, the joint resolution is re-referred to the **Appropriations Committee**.

S. J. R. 551, a joint resolution terminating the Criminal Code Commission, with a favorable report.

On motion of Senator Lawing, the joint resolution is re-referred to the **Appropriations Committee**.

S. J. R. 621, a joint resolution directing the Legislative Research Commission to study the teacher tenure law, with a favorable report.

On motion of Senator Lawing, the joint resolution is re-referred to the **Appropriations Committee**.

S. J. R. 635, a joint resolution honoring the life and memory of Lorimer W. Midgett, former member of the General Assembly, with a favorable report.

S. J. R. 644, a joint resolution honoring the life and memory of Asbury Lee Penland, former member of the General Assembly, with a favorable report.

H. J. R. 1011, a joint resolution honoring the life and memory of Paul Jackson Story, with a favorable report.

H. J. R. 1112, a joint resolution honoring John W. Covington, Jr., a former member of the General Assembly, with a favorable report.

H. J. R. 1130, a joint resolution honoring the life and memory of General Douglas MacArthur, with a favorable report.

By Senator Barnes for the **State Government Committee**:

S. B. 305, a bill to provide a more efficient and effective administrative rule-making system and to establish a State Register, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Barnes, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Barnes, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, June 15.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 825

House of Representatives
June 11, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate amendment to **H. B. 825**, a bill to be entitled an act to eliminate the payment of regular interest in the return of accumulated contributions from the Teachers' and State Employees' Retirement System, Local Governmental Employees' Retirement System, Law Enforcement Officers' Benefit and Retirement Fund, and Uniform Judicial Retirement System except to members with five or more years of membership service, and requests conferees. The Speaker has appointed Representatives Bob Etheridge, Ellis, and Nesbitt on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
GRACE COLLINS
Principal Clerk

Senator Jenkins moves that the President appoint conferees, which motion prevails. The President appoints Senators Jenkins, Johnson, and Kincaid as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Marvin:

S. B. 665, a bill to remove barriers to coordinating human service and volunteer transportation.

Referred to **Judiciary III Committee**.

By Senators Marvin and Ward:

S. B. 666, a bill to define the term "school" for the purposes of enforcement of the compulsory attendance laws.

Referred to **State Government Committee**.

By Senators Vickery and Walker:

S. B. 667, a bill to appropriate funds to the Department of Natural Resources and Community Development for a cooperative program with the North Carolina Botanical Gardens.

Referred to **Appropriations Committee**.

By Senator Alford:

S. J. R. 668, a joint resolution honoring the life and memory of Thomas J. Pearsall. On motion of Senator Alford, the rules are suspended and the joint resolution is placed on the Calendar for today.

By Senators Allred, Harris, Rauch, and McDuffie:

S. B. 669, a bill to expand the income tax deduction allowed for amounts expended for nursing home care and other institutional care of a family member.

Referred to **Finance Committee**.

By Senators Jenkins, Palmer, Alford, Royall, Harrington, Barnes, Ballenger, Kincaid, Baker, Hardison, Noble, Lawing, Mathis, Vickery, McDuffie, Daniels, and Speed:

S. J. R. 670, a joint resolution creating the Legislative Study Commission on Retirement Investment Policies.

Referred to **Pensions and Retirement Committee**.

By Senator Jenkins:

S. B. 671, a bill to appropriate funds to the Legislative Services Commission to pay the expenses of the Legislative Study Commission on Retirement Investment Policies.

Referred to **Appropriations Committee**.

By Senators Swain, Soles, and Allsbrook:

S. B. 672, a bill to make trial evidence rules apply to depositions and interrogatories. Referred to **Courts and Judicial Districts and Criminal Justice Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. J. R. 1227, a joint resolution honoring the life and memory of Thomas J. Pearsall.

On motion of Senator Alford, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered enrolled.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 584, a bill to authorize the Attorney General to pay medical bills for pupils transported to and from school by school buses, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, June 12.

H. B. 1034, a bill to provide for the permanent registration and issuance of permanent registration plates for "Radio Emergency Association of Citizen Teams" vehicles.

Referred to **Transportation Committee**.

H. B. 1106, a bill to include local board of education within the definition of units of local government for the purpose of the Inter-Local Cooperation Act.

Referred to **Education Committee**.

H. B. 1110, a bill to include the Division of Forest Resources in the list of claimant agencies in the Setoff Debt Collection Act.

Referred to **State Government Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

(Senator Lawing presides over a portion of today's Session.)

S. B. 158, House Committee Substitute for **S. B. 158**, a bill to change the rate of interest in the Consumer Finance Act and to correct several references and the new legal usury rate and loan ceiling, for concurrence in the House Committee Substitute bill.

On motion of Senator Harris, the Senate concurs in the House Committee Substitute bill and the bill is ordered enrolled.

S. B. 206, House Committee Substitute for **S. B. 206**, a bill to extend time limitations for proof in asbestosis and silicosis claims, for concurrence in the House Committee Substitute bill.

Senator Jernigan moves that the Senate do not concur in the House Committee Substitute bill, and further moves that the President appoint conferees, which motions prevail.

The President appoints Senators Jenkins, Jernigan and Cockerham as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S. B. 380, Committee Substitute for **S. B. 380**, a bill to authorize the Department of Human Resources to charge rates and fees for services rendered to the public, for concurrence in House Amendment No. 1, upon third reading.

On motion of Senator Harris, the Senate concurs in House Amendment No. 1 by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Daniels, Duncan, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Kincaid, Lawing, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 44.

The Committee Substitute bill is ordered enrolled.

S. B. 393, Committee Substitute for **S. B. 393**, a bill to rewrite Chapter 898, Session Laws of 1979, relating to more effective services to children and families in North Carolina, for concurrence in House Amendment No. 1.

On motion of Senator Rauch, the Senate concurs in House Amendment No. 1 and the Committee Substitute bill is ordered enrolled.

S. B. 405, a bill to repeal G. S. 163-178, which requires clerks of court to report election results to the Secretary of State, for concurrence in House Amendment No. 1.

On motion of Senator Barnes, the Senate concurs in House Amendment No. 1 and the bill is ordered enrolled.

S. B. 439, a bill to permit family care homes for handicapped people in all residential and other zoning districts, for concurrence in House Amendment No. 1.

On motion of Senator Frye, the Senate concurs in House Amendment No. 1 and the bill is ordered enrolled.

S. B. 516, a bill to clarify landlord eviction remedies in residential tenancies, for concurrence in House Amendment No. 1.

On motion of Senator Johnson, the Senate concurs in House Amendment No. 1 and the bill is ordered enrolled.

S. B. 552, Committee Substitute for **S. B. 552**, a bill to amend the business opportunity sales law.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 589, a bill to prohibit open beer or wine containers in certain motor vehicles, as amended, upon third reading.

Senator Swain offers Amendment No. 4 which is adopted.

Senator Marion calls the previous question, seconded by Senator Harris. The call is sustained.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives.

S. B. 615, a bill to allow sanitary districts to contract with incorporated nonprofit volunteer or community fire departments for fire protection, upon second reading.

The bill passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Boger, Cavanagh, Clarke, Daniels, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Marion, Marvin, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 41.

The bill remains on the Calendar upon third reading.

S. B. 620, a bill to amend G. S. 58-79 relating to domestic stock and mutual life insurance company investments.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 634, Committee Substitute for **S. B. 634**, a bill to authorize the clerk of superior court to appoint a representative for making inventory of lockboxes.

On motion of Senator Swain, consideration of the Committee Substitute bill is postponed until Friday, June 12.

S. J. R. 668, a joint resolution honoring the life and memory of Thomas J. Pearsall.

On motion of Senator Alford, consideration of the joint resolution is postponed until Friday, June 12.

H. B. 22, Committee Substitute No. 2 for **H. B. 22**, a bill to provide for the availability in farmowners' and other property insurance policies of coverage against loss by weight of ice, snow, or sleet.

The Committee Substitute bill No. 2 passes its second and third readings and is ordered enrolled.

H. B. 290, Committee Substitute for **H. B. 290**, a bill to amend Chapter 90, Article 22 of the General Statutes relating to speech and language pathologists and audiologists, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Wright, and Wynne — 42.

The Committee Substitute bill remains on the Calendar upon third reading.

H. B. 291, Committee Substitute for **H. B. 291**, a bill to amend Chapter 90, Article 1 of the General Statutes relating to the practice of medicine.

The Committee Substitute bill passes its second reading.

On objection of Senator Rauch to its third reading, the Committee Substitute bill remains on the Calendar for further consideration.

H. B. 293, Committee Substitute for **H. B. 293**, a bill to amend Chapter 90, Article 17 of the General Statutes relating to dispensing opticians, as amended, upon third reading.

Senator Barnes offers Amendment No. 3, to amend Amendment No. 2, which is adopted.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Daniels, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, and Wynne — 43.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1, No. 2, and No. 3.

H. B. 299, Committee Substitute No. 2 for **H. B. 299**, a bill to amend Chapter 93D of the General Statutes relating to hearing aid dealers and fitters, as amended, upon third reading.

The Committee Substitute bill No. 2, as amended, passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Daniels, Frye, Garrison, Gray, Hancock, Hardison,

Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Marion, Marvin, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Walker, Ward, Warren, White, Wright, and Wynne — 42.

The Committee Substitute bill No. 2, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 308, a bill to add contractual services to the list of responsibilities of the Purchase and Contract Division and to increase the formal bid requirement to five thousand dollars.

On motion of Senator Hancock, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 350, Senate Committee Substitute for **H. B. 350**, a bill to expressly provide that private security officers are competent, compellable witnesses in legal proceedings and to provide that private security officers employed by attorneys cannot be compelled to testify, as amended, upon third reading.

Senator Wright offers Amendment No. 2 which is adopted.

The Senate Committee Substitute bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 504, Committee Substitute for **H. B. 504**, a bill to expand the Pamlico County Board of Education, and to provide that five members be elected by the nonpartisan election and runoff method and two by the nonpartisan plurality method.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 821, Senate Committee Substitute for **H. B. 821**, a bill to clarify the authority of the Department of Human Resources to operate the North Carolina School for the Deaf at Morganton and the Eastern North Carolina School for the Deaf at Wilson.

On motion of Senator Alford, consideration of the Senate Committee Substitute bill is postponed until Friday, June 12.

H. B. 868, a bill to provide for the production and sale of biologics for the treatment of animals in North Carolina, upon third reading.

The bill passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Daniels, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Marion, Marvin, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 43.

The bill is ordered enrolled.

H. B. 882, a bill to amend the Charter of the City of Winston-Salem by adding provisions relating to fair housing.

Senator Cavanagh offers Amendment No. 1.

On motion of Senator Cavanagh, consideration of the bill and pending Amendment No. 1 is postponed until Friday, June 12.

H. B. 921, Committee Substitute for **H. B. 921**, a bill to alter the composition of the Commission for Health Services.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 945, Committee Substitute for **H. B. 945**, a bill to clarify what birth certificate information shall be returned to the register of deeds in the county of birth.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 946, a bill to increase the monetary jurisdiction of magistrates.

The bill passes its second and third readings and is ordered enrolled.

H. J. R. 1001, a joint resolution directing the Mental Health Study Commission to study the Involuntary Commitment Law.

The joint resolution passes its second and third readings and is ordered enrolled.

H. B. 1005, a bill to provide that appeals from the State Board of Elections be heard in the Superior Court of Wake County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1016, a bill to limit unused sick leave as a creditable service in the Local Governmental Employees' Retirement System and the Teachers' and State Employees' Retirement System.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1019, a bill to regulate rental referral agencies, upon third reading.

Senator Soles offers Amendment No. 1 which is adopted.

The bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1032, a bill to change the classification for second degree murder and change the maximum sentence for Class C felonies, upon second reading.

On motion of Senator Barnes, consideration of the bill is postponed until Friday, June 12.

H. B. 1058, a bill to amend Chapter 112 of the 1981 Session Laws as it relates to Forsyth County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1081, a bill to repeal G. S. 163-154.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1086, a bill to amend the absentee ballot deadline for the second primary to conform to the deadline for other elections set by Chapter 305, Session Laws of 1981, and to conform absentee voting for sales tax and soil and water elections to G. S. 163-226 as amended by Chapter 140, Session Laws of 1979.

The bill passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 394, an act to eliminate the hypothetical question.

H. B. 814, an act to clarify the licensing of homes for the aged, disabled and infirm.

H. B. 980, an act to permit organizations providing free services at highway rest areas to solicit contributions.

H. B. 981, an act to amend G. S. 36A-53(b) relative to amendment of trust to meet the requirements of Section 2055(e)(2) of the Internal Revenue Code of 1954.

H. B. 1093, an act to require notification of apiary owners before applying pesticides in the area.

H. B. 1095, an act to amend the Historic Albemarle Tour Highway Act to include the City of Tarboro.

H. B. 1124, an act to amend G. S. 20-129(d) as it relates to size of reflectors required for trailers.

On motion of Senator Lawing, seconded by Senator Speed, the Senate adjourns to meet tomorrow at 10:45 A.M.

ONE HUNDRED SEVENTH DAY

SENATE CHAMBER,
Friday, June 12, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, for Your grace which has brought us safely through another week, we give You thanks. We confess, O Lord, to a weariness of soul and mind. The issues are often so complex, and the stakes so high that without Your aid we could not stand. Help us to know that You are supporting and encouraging us daily, giving strength whenever we ask. Help us to use the weekend ahead as a time for renewal of body and soul, that we may return to our tasks with renewed vigor and determination to complete them quickly. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senators Harris, Rauch, Jenkins, Jordan, and Kincaid for today.

The President extends courtesies of the gallery to the Honorable Anthony M. Brannon, Resident Superior Court Judge, Fourteenth Judicial District.

June 12, 1981

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Allsbrook for the **Judiciary I Committee**:

S. B. 279, a bill to amend the Constitution of North Carolina to provide that a defendant in a noncapital criminal case may, with the consent of the State, waive the right to a jury trial if represented by counsel, and to make conforming changes to the General Statutes, with a favorable report.

H. B. 939, Committee Substitute for **H. B. 939**, a bill to make isolated amendments to the General Statutes as recommended by the General Statutes Commission, with a favorable report.

On motion of Senator Allsbrook, the Committee Substitute bill is placed on the Calendar for Tuesday, June 16.

By Senator Creech for the **Judiciary III Committee**:

S. B. 549, a bill to eliminate the common law requirement that a deed must be sealed to be valid, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Creech, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Creech, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, June 15.

By Senator Marion for the **Local Government and Regional Affairs Committee**:

S. B. 229, House Committee Substitute for **S. B. 229**, a bill to make sundry amendments relating to local governments in Orange County, with an unfavorable report as to concurrence.

On motion of Senator Vickery, the rules are suspended and the House Committee Substitute bill is placed before the Senate for immediate consideration.

Senator Vickery moves that the Senate do not concur in the House Committee Substitute bill, and further moves that the President appoint conferees, which motions prevail.

The President appoints Senators Vickery, Marion, and Lawing as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S. B. 640, a bill to repeal a local act concerning a vacancy in the office of Yadkin County sheriff, with a favorable report.

S. B. 659, a bill protecting waterfowl within a 500 yard radius of the Rocky Mount Tar River Reservoir in Nash County, with a favorable report.

S. B. 661, a bill to allow the County of Craven to use the provisions of Chapter 136 of the General Statutes in condemnation proceedings, with a favorable report.

H. B. 618, a bill to authorize the City of Wilmington to exercise the power of eminent domain to acquire real property for purposes of public auditoriums, coliseums, and convention and civic centers, with a favorable report.

H. B. 621, a bill to authorize the City of Wilmington to exercise the special powers granted therein when the municipal governing body designates itself to exercise the powers, duties and responsibilities of a redevelopment commission, with a favorable report.

H. B. 677, a bill to repeal Chapter 790, Session Laws of 1957, limiting the tax for fire protection in Granville County, with a favorable report.

H. B. 710, a bill to amend the Charter of the Town of Stem in Granville County, with a favorable report.

H. B. 714, Committee Substitute for **H. B. 714**, a bill to amend G. S. 153A-345(b) relating to the duties of the Mecklenburg County Zoning Board of Adjustment, with a favorable report.

H. B. 725, a bill to authorize Mecklenburg County to increase the size of its Board of Social Services, with a favorable report, as amended.

H. B. 730, a bill establishing a Harbor Authority for the operation and maintenance of public harbors in the County of Carteret, with a favorable report.

H. B. 1136, a bill to validate past annexations and elections of and by the Town of Sylva, with a favorable report.

By Senator Jernigan for the **Manufacturing, Labor and Commerce Committee**:

S. B. 391, a bill to repeal and amend sections of the Wage and Hour Act, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Jernigan, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Jernigan, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, June 16.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

Senator Creech moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Creech, Johnson, and Wynne:

S. B. 673, a bill to increase the allowable number of trustees of Rex Hospital and to alter the method of appointment of said trustees.

Referred to **Local Government and Regional Affairs Committee**.

Senator Lawing moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Clarke and Swain:

S. B. 674, a bill to add the Town of Marshall to Chapter 1190, Session Laws of 1979.
Referred to **Local Government and Regional Affairs Committee**.

By Senators Mills, Lawing, and Vickery:

S. J. R. 675, a joint resolution authorizing joint meetings of the Senate Committee on Banking and the House Committee on Banks and Thrift Institutions during the interim period between sessions of the 1981 General Assembly.

Referred to **Rules and Operation of the Senate Committee**.

By Senator Mathis:

S. B. 676, a bill to make technical changes and clarifications regarding the jurisdiction of the North Carolina Rate Bureau.

Referred to **Insurance Committee**.

By Senator Hardison:

S. B. 677, a bill regarding disciplinary hearings for engineers and surveyors.

Referred to **Judiciary II Committee**.

By Senators Raynor, Swain, Jenkins, and Clarke:

S. B. 678, a bill to appropriate funds to the Department of Crime Control and Public Safety for the purpose of purchasing rifles and related equipment for the North Carolina State Highway Patrol replacing obsolete weapons.

Referred to **Appropriations Committee**.

By Senator Walker:

S. B. 679, a bill to provide certain funds for State use of a portion of the new Asheboro/Randolph Chamber of Commerce Building.

Referred to **Appropriations Committee**.

By Senators Allred, Cockerham, Noble, Redman, and McDuffie:

S. B. 680, a bill to set maximum punishment for certain speeding offenses.

Referred to **Judiciary I Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 404, a bill to amend Article 52 of Chapter 143 of the North Carolina General Statutes entitled "The North Carolina Pesticide Law of 1971," for concurrence in House Amendment No. 1, which is placed on the Calendar for Monday, June 15.

S. B. 556, a bill to provide for compensation to insurance agents for assistance with recoupment surcharges, for concurrence in House Amendment No. 1, which is placed on the Calendar for Monday, June 15.

H. B. 136, Committee Substitute for **H. B. 136**, a bill to regulate contractors, subcontractors, and suppliers in dealing with governmental agencies, and to make combinations in restraint of trade a felony.

Referred to **Judiciary II Committee**.

H. B. 295, Committee Substitute for **H. B. 295**, a bill to amend Chapter 90, Article 4 of the General Statutes, relating to pharmacy.

Referred to **Human Resources Committee**.

H. B. 696, Committee Substitute for **H. B. 696**, a bill to permit a spouse to give testimony in a paternity action.

Referred to **Judiciary II Committee**.

H. B. 697, Committee Substitute for **H. B. 697**, a bill to require that counsel be appointed for indigent parents in termination of parental rights actions.

Referred to **Judiciary II Committee**.

H. B. 976, Committee Substitute for **H. B. 976**, a bill concerning the nomination of unaffiliated candidates by petition.

Referred to **Election Laws Committee**.

H. B. 1067, a bill to permit the Medical Board and the Nursing Board to set certain fees.

Referred to **Finance Committee**.

H. B. 1073, Committee Substitute for **H. B. 1073**, a bill to permit school employees to choose to take annual leave or to make up days on which employees must report for work but pupils are not required to attend school due to inclement weather.

Referred to **Education Committee**.

H. B. 1074, Committee Substitute for **H. B. 1074**, a bill to authorize corporate and personal income tax credits for construction of a peat facility.

Referred to **Finance Committee**.

H. B. 1077, a bill to make various technical amendments to the General Statutes as recommended by the General Statutes Commission.

Referred to **Judiciary I Committee**.

H. B. 1132, a bill to prohibit dangerous weapons at parades, funeral processions, picket lines, and demonstrations.

Referred to **Judiciary I Committee**.

H. B. 1155, a bill to allow the Parole Commission to parole and terminate an inmate.

Referred to **Judiciary III Committee**.

H. B. 1156, a bill to regulate credit insurance policies.

Referred to **Insurance Committee**.

H. B. 1177, a bill to repeal procedural restrictions on sale of water by Buncombe County.

Referred to **Local Government and Regional Affairs Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

(Senator Lawing presides over a portion of today's Session.)

S. B. 261, Committee Substitute for **S. B. 261**, a bill to limit the reduction in disability retirement allowances of gainfully employed disability retirees of the Law Enforcement Officers' Benefit and Retirement Fund.

On motion of Senator Raynor, consideration of the Committee Substitute bill is postponed until Monday, June 15.

S. B. 579, Committee Substitute for **S. B. 579**, a bill to amend the law relating to the renewability of individual and blanket hospitalization and accident and health insurance policies.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 584, a bill to authorize the Attorney General to pay medical bills for pupils transported to and from school by school buses, for concurrence in House Amendment No. 1.

On motion of Senator Ward, the Senate concurs in House Amendment No. 1 and the bill is ordered enrolled.

S. B. 615, a bill to allow sanitary districts to contract with incorporated nonprofit volunteer or community fire departments for fire protection, upon third reading.

The bill passes its third reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Duncan, Frye, Gray, Hancock, Hardison, Jernigan, Johnson, Lawing, Marion, Marvin, Noble, Palmer, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 38.

The bill is ordered sent to the House of Representatives.

S. B. 634, Committee Substitute for **S. B. 634**, a bill to authorize the clerk of superior court to appoint a representative for making inventory of lockboxes.

On motion of Senator Creech, consideration of the Committee Substitute bill is postponed until Monday, June 15.

S. J. R. 635, a joint resolution honoring the life and memory of Lorimer W. Midgett, former member of the General Assembly.

The joint resolution passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger.

S. B. 642, a bill to prohibit hunting on the right-of-way of and shooting across SR-1600 in Craven County.

On motion of Senator Thomas of Craven, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. J. R. 644, a joint resolution honoring the life and memory of Asbury Lee Penland, former member of the General Assembly.

The joint resolution passes its second and third readings and is ordered sent to the House of Representatives.

S. J. R. 668, a joint resolution honoring the life and memory of Thomas J. Pearsall. On motion of Senator Alford, duly seconded, the joint resolution is postponed indefinitely.

H. B. 290, Committee Substitute for **H. B. 290**, a bill to amend Chapter 90, Article 22 of the General Statutes relating to speech and language pathologists and audiologists, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Duncan, Frye, Gray, Hancock, Hardison, Jernigan, Johnson, Lawing, Marion, Marvin, Noble, Palmer, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 38.

The Committee Substitute bill is ordered enrolled.

H. B. 291, Committee Substitute for **H. B. 291**, a bill to amend Chapter 90, Article 1 of the General Statutes relating to the practice of medicine, upon third reading.

The Committee Substitute bill passes its third reading and is ordered enrolled.

H. B. 676, a bill to amend the Constitution to authorize the General Assembly to prescribe a maximum age limit for service as a district attorney, upon second reading.

On motion of Senator Clarke, consideration of the bill is postponed until Tuesday, June 16.

H. B. 821, Senate Committee Substitute for **H. B. 821**, a bill to clarify the authority of the Department of Human Resources to operate the North Carolina School for the Deaf at Morganton and the Eastern North Carolina School for the Deaf at Wilson.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 882, a bill to amend the Charter of the City of Winston-Salem by adding provisions relating to fair housing, with pending Amendment No. 1.

On motion of Senator Ward, consideration of the bill, with pending Amendment No. 1, is postponed until Wednesday, June 17.

H. B. 1004, a bill to clarify the scope of judicial review of an advisory decision of the State Personnel Commission.

On motion of Senator Hancock, consideration of the bill is postponed until Tuesday, June 16.

H. J. R. 1011, a joint resolution honoring the life and memory of Paul Jackson Story. The joint resolution passes its second and third readings and is ordered enrolled.

H. B. 1032, a bill to change the classification for second degree murder and change the maximum sentence for Class C felonies, upon second reading.

On motion of Senator Barnes, consideration of the bill is postponed until Wednesday, June 17.

H. B. 1044, a bill to amend G. S. 20-162 to clarify provisions relating to parking in fire lanes.

The bill passes its second and third readings and is ordered enrolled.

H. J. R. 1112, a joint resolution honoring John W. Covington, Jr., a former member of the General Assembly.

The joint resolution passes its second and third readings and is ordered enrolled.

H. B. 1115, a bill to amend G. S. 113-272.5 relating to captivity licenses on cougars. The bill passes its second and third readings and is ordered enrolled.

H. J. R. 1130, a joint resolution honoring the life and memory of General Douglas MacArthur.

On motion of Senator Swain, the joint resolution is recommitted to the **Rules and Operation of the Senate Committee**.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 158, House Committee Substitute for **S. B. 158**, an act to change the rate of interest in the Consumer Finance Act and to correct several references and the new legal usury rate and loan ceiling.

S. B. 244, an act to allow Cabarrus County to name private roads in unincorporated areas, and simplify the process of naming roads in that County.

S. B. 380, Committee Substitute for **S. B. 380**, an act to authorize the Department of Human Resources to charge rates and fees for services rendered to the public.

S. B. 393, Committee Substitute for **S. B. 393**, an act to rewrite Chapter 898, Session Laws of 1979, relating to more effective services to children and families in North Carolina.

S. B. 405, an act to repeal G. S. 163-178, which requires clerks of court to report election results to the Secretary of State, and to amend G. S. 101-8, which requires clerks of court to report the resumption of name by widows.

S. B. 423, an act to provide a limit on liability under the North Carolina Life and Accident and Health Insurance Guaranty Association Act.

S. B. 439, an act to permit family care homes for handicapped people in all residential and other zoning districts.

S. B. 516, an act to clarify landlord eviction remedies in residential tenancies.

S. B. 599, an act to allow the Stokes County School Administrative Unit to convey a gym and tract of land to the Sandy Ridge Action Center at private sale.

S. B. 602, an act to allow the Department of Correction to give credit for good conduct allowances toward the date on which they will become eligible for parole.

H. B. 22, Committee Substitute No. 2 for **H. B. 22**, an act to provide for the availability in farmowners' and other property insurance policies of coverage against loss by weight of ice, snow, or sleet.

H. B. 504, Committee Substitute for **H. B. 504**, an act to expand the Pamlico County Board of Education, and to provide that five members be elected by the nonpartisan election and runoff method and two by the nonpartisan plurality method.

H. B. 572, Committee Substitute No. 2 for **H. B. 572**, an act requiring local boards of education to charge tuition.

H. B. 868, an act to provide for the production and sale of biologics for the treatment of animals in North Carolina.

H. B. 921, Committee Substitute for **H. B. 921**, an act to alter the composition of the Commission for Health Services.

H. B. 945, Committee Substitute for **H. B. 945**, an act to clarify what birth certificate information shall be returned to the register of deeds in the county of birth.

H. B. 946, an act to increase the monetary jurisdiction of magistrates.

H. J. R. 1001, a joint resolution directing the Mental Health Study Commission to study the Involuntary Commitment Law.

H. B. 1005, an act to provide that appeals from the State Board of Elections be heard in the Superior Court of Wake County.

H. B. 1016, an act to limit unused sick leave as a creditable service in the Local Governmental Employees' Retirement System and the Teachers' and State Employees' Retirement System.

H. B. 1058, an act to amend Chapter 112 of the 1981 Session Laws as it relates to Forsyth County.

H. B. 1081, an act to repeal G. S. 163-154.

H. B. 1086, an act to amend the absentee ballot deadline for the second primary to conform to the deadline for other elections set by Chapter 305, Session Laws of 1981, and to conform absentee voting for sales tax and soil and water elections to G. S. 163-226 as amended by Chapter 140, Session Laws of 1979.

H. J. R. 1227, a joint resolution honoring the life and memory of Thomas J. Pearsall.

On motion of Senator Lawing, seconded by Senator Noble, the Senate adjourns to meet Monday at 8:00 P.M.

ONE HUNDRED EIGHTH DAY

SENATE CHAMBER,
Monday, June 15, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Waldo D. Early, retired missionary Baptist Minister, Clinton.

June 15, 1981

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President extends courtesies of the gallery to Mrs. Victor S. Bryant, widow of the former Representative from Durham County and to his family.

The President recognizes the following pages serving in the Senate this week: Caroline Paris Brown, Elkin; Angela Bullard, Stedman; Michele Lynn Copeland, Fayetteville; Mary Elizabeth Dawson, Goldsboro; James Exum, Charlotte; Michelle Ferebee, Raleigh; Marie Fowler, Dobson; David Warren Fox, Winston-Salem; Michele Delayne Garris, Greenville; Teresa Green, Candor; Sheri Lee Griffin, Jamesville; Catherine Louise Hudgins, Oriental; Bugie Huffman, King; Mark James, Tarboro; George Jones, Raleigh; John Paul Kincaid, Lenoir; Karen Lynn Knight, Stoneville; Catherine Lambeth, Winston-Salem; Renee Marion, Dobson; Melissa Michalove, Hendersonville; Martin Miller, Greenville; Philip R. Miller III, Raleigh; Eugene Clyn Morris, Greenville; Raeford Kenneth Murphy, Jr., Raleigh; Beth Oxendine, Biscoe; Maria LeAden Parker, Elon College; Melanie Robinson, Greenville; Christi Stanley, Dobson; Christine Wagoner, Raleigh; and Tanja Winstead, Elm City.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S. B. 206, House Committee
Substitute for **S. B. 206**

House of Representatives
June 12, 1981

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Committee Substitute to **S. B. 206**, a bill to be entitled an act to extend time limitations for proof in asbestosis and silicosis claims, the Speaker has appointed as conferees on the part of the House, Representatives Guy, McDowell, and Adams to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
GRACE COLLINS
Principal Clerk

S. B. 229, House Committee
Substitute for **S. B. 229**

House of Representatives
June 12, 1981

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Committee Substitute to **S. B. 229**, a bill to be entitled an act to make sundry amendments relating to local governments in Orange County, the Speaker has appointed as

conferees on the part of the House, Representatives Lutz, Diamont, and P. Hunt to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
GRACE COLLINS
Principal Clerk

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Duncan for the **Finance Committee**:

S. B. 583, a bill to impose a tax on a lessee's interest in land leased from the State or its political subdivisions and used for a private purpose, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Duncan, the rules are suspended and the Committee Substitute bill, which changes the title to read **S. B. 583**, Committee Substitute for **S. B. 583**, a bill to tax lessees and users of cropland or forestland owned by the United States, the State or its political subdivisions and used by the lessee or user in connection with a business conducted for profit, is placed before the Senate for immediate consideration.

On motion of Senator Duncan, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Wednesday, June 17.

S. B. 610, a bill to raise the examination fee for psychologists, with a favorable report.

S. B. 627, a bill to exempt certain sales made by fraternal organizations from the sales and use tax, with a favorable report.

On motion of Senator Duncan, the bill is re-referred to the **Ways and Means Committee**.

H. B. 127, Committee Substitute for **H. B. 127**, a bill to provide manufacturers an income tax credit for the amount of ad valorem tax paid on inventory and to require corporations to estimate their income tax liability and pay the estimated tax in installments, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Duncan, the rules are suspended and the Senate Committee Substitute bill, which changes the title to read **H. B. 127**, Senate Committee Substitute for **H. B. 127**, a bill to provide manufacturers an income tax credit for the amount of ad valorem tax paid on inventory and to require certain manufacturers to estimate their income tax liability and pay the estimated tax in installments, is placed before the Senate for immediate consideration.

On motion of Senator Duncan, the Senate Committee Substitute bill is adopted, and on his further motion is re-referred to the **Ways and Means Committee**.

H. B. 331, a bill to amend certain sections of Chapter 53 and other chapters of the General Statutes relating to banks and the Commissioner of Banks, with a favorable report.

H. B. 873, a bill to amend the tax provisions of Chapter 20 relating to carriers of passengers or property, with a favorable report.

On motion of Senator Duncan, the bill is re-referred to the **Ways and Means Committee**.

H. B. 879, a bill to clarify and update the Weights and Measures Act of 1975, with a favorable report.

H. B. 1012, a bill to revise licensure fees for nurses, with a favorable report, as amended.

H. B. 1038, Committee Substitute for **H. B. 1038**, a bill to exempt from property taxation real property irrevocably dedicated for human burial purposes, with a favorable report, as amended.

H. B. 1063, a bill to partially exempt sales of animal waste treatment equipment to farmers from the sales tax, with a favorable report.

On motion of Senator Duncan, the bill is re-referred to the **Ways and Means Committee**.

H. B. 1065, a bill to clarify the scope of the partial sales tax exemption for certain farm equipment, with a favorable report.

On motion of Senator Duncan, the bill is re-referred to the **Ways and Means Committee**.

By Senator Barnes for the **State Government Committee**:

H. B. 1025, a bill to amend the Marital and Family Therapy Certification Act, with a favorable report.

H. B. 1084, a bill to extinguish certain liens on fruits and vegetables sold at auction, with a favorable report, as amended.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Hancock:

S. B. 681, a bill to amend Chapters 96 and 84 of the General Statutes to permit persons supervised by attorneys to represent parties in proceedings before the Employment Security Commission.

Referred to **Judiciary II Committee**.

By Senator Duncan:

S. B. 682, a bill to amend Article 21 of Chapter 113 of the North Carolina General Statutes to amend the trapping and fur dealer license fees.

Referred to **Finance Committee**.

By Senators Ward and Cavanagh:

S. B. 683, a bill to provide for payment of the cost of elections on the question of formation of a new municipality or special district.

Referred to **Election Laws Committee**.

June 15, 1981

By Senators Lawing, Mathis, Jenkins, McDuffie, and Frye:

S. J. R. 684, a joint resolution honoring Frederick Douglas Alexander, a former member of the General Assembly.

Referred to **Rules and Operation of the Senate Committee.**

Senator Speed moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Speed and Alford:

S. B. 685, a bill to require consent of the Franklin County Board of Commissioners before land in that County may be condemned or acquired by a unit of local government outside Franklin County.

Referred to **Local Government and Regional Affairs Committee.**

By Senator Thomas of Craven:

S. B. 686, a bill to regulate hunting and fishing on the registered property of another. Referred to **Natural and Economic Resources and Wildlife Committee.**

By Senator Creech:

S. B. 687, a bill to regulate transient merchants.

Referred to **Judiciary III Committee.**

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. J. R. 913, a joint resolution honoring the life and memory of L. R. Harrill by recognizing the North Carolina 4-H Honor Club during its Golden Anniversary of active service to 4-H and youth.

Referred to **Rules and Operation of the Senate Committee.**

H. J. R. 930, a joint resolution honoring the life and memory of Victor S. Bryant.

On motion of Senator Royall, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered enrolled.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 508, a bill to expand the disqualification of claimants for unemployment benefits who refuse suitable work without good cause, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, June 16.

S. B. 567, House Committee Substitute for S. B. 567, a bill to create a new article to Chapter 66 to prevent fraud and abuse by discount buying clubs, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, June 16.

H. B. 459, Committee Substitute for **H. B. 459**, a bill to permit the Governor to accept permissive federal delegations of authority to take actions necessary to manage and to deal with an actual or impending energy resource shortage, to add to the membership of the Energy Policy Council and to provide for the confidentiality of certain data received by the Energy Division.

Referred to **Public Utilities and Energy Committee**.

H. B. 619, a bill to amend the Charter of the City of Wilmington concerning claims against the City.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 623, a bill to authorize counties to expend tax funds and exercise the power of eminent domain for purposes of public auditoriums, coliseums, and convention and civic centers and to otherwise authorize establishment and support of same.

Referred to **Finance Committee**.

H. B. 630, a bill to amend G. S. 160A-457(3) to authorize special conditions to be imposed upon the disposition of property by the City of Wilmington.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 721, a bill amending the Charter of the City of Durham.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 977, Committee Substitute for **H. B. 977**, a bill to require that in counties having fifteen or more precincts, two special registration commissioners shall be appointed, one each from the two major political parties.

Referred to **Election Laws Committee**.

H. B. 987, a bill to amend Chapter 1, Civil Procedure—Limitations, of the General Statutes.

Referred to **Public Utilities and Energy Committee**.

H. B. 1043, a bill to amend Chapter 721 of the 1979 Session Laws relating to hunting with rifles in certain townships of Moore County, subject to a referendum.

Referred to **Natural and Economic Resources and Wildlife Committee**.

H. B. 1061, Committee Substitute for **H. B. 1061**, a bill to encourage appropriate window placement and solar energy systems to conserve energy in public school facilities.

Referred to **Education Committee**.

H. B. 1068, Committee Substitute for **H. B. 1068**, a bill to make technical changes to the Private Protective Services Act.

Referred to **Judiciary I Committee**.

H. B. 1091, a bill to rewrite the criminal abandonment and nonsupport and bastardy statutes to eliminate sex discrimination in the duty of support, and to consolidate repetitive statutes and remove surplusage.

Referred to **Judiciary III Committee**.

H. B. 1144, a bill to permit licensing of life insurance corporations.

Referred to **Insurance Committee**.

H. B. 1151, a bill to have addresses added to judgment docket entries and to provide for timely entry of payment on the judgment docket.

Referred to **Judiciary II Committee**.

H. B. 1158, a bill to justify use of paper ballots for write-in votes in precincts where mechanical voting machines are used.

Referred to **Election Laws Committee**.

H. B. 1165, a bill to amend G. S. 20-79.2 relating to transporter registration.

Referred to **Transportation Committee**.

H. B. 1181, a bill to allow Union County to collect utility bills as if they were taxes due the County.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 1184, a bill to limit the annual increase in the number of State employees.

Referred to **Ways and Means Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 261, Committee Substitute for **S. B. 261**, a bill to limit the reduction in disability retirement allowances of gainfully employed disability retirees of the Law Enforcement Officers' Benefit and Retirement Fund.

On motion of Senator Jenkins, consideration of the Committee Substitute bill is postponed until Tuesday, June 16.

S. B. 279, a bill to amend the Constitution of North Carolina to provide that a defendant in a noncapital criminal case may, with the consent of the State, waive the right to a jury trial if represented by counsel, and to make conforming changes to the General Statutes, upon second reading.

The bill passes its second reading by roll-call vote, ayes 48, noes 1, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, Mills, Noble, Palmer, Rauch, Raynor, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 48.

Voting in the negative: Senator Redman — 1.

The bill remains on the Calendar upon third reading, having received a three-fifths majority affirmative vote.

S. B. 305, Committee Substitute for **S. B. 305**, a bill to provide a more efficient and effective administrative rule-making system and to establish a State Register.

Senator Jenkins offers Amendment No. 1 and Amendment No. 2 which are adopted.

On motion of Senator Jenkins, the Committee Substitute bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee**.

S. B. 404, a bill to amend Article 52 of Chapter 143 of the North Carolina General Statutes entitled "The North Carolina Pesticide Law of 1971," for concurrence in House Amendment No. 1, upon second reading.

On motion of Senator Boger, the Senate concurs in House Amendment No. 1 by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Ward, Warren, White, Wright, and Wynne — 44.

The bill remains on the Calendar upon third reading.

S. B. 549, Committee Substitute for **S. B. 549**, a bill to eliminate the common law requirement that a deed must be sealed to be valid.

The Committee Substitute bill passes its second reading.

On objection of Senator Allsbrook to its third reading, the Committee Substitute bill remains on the Calendar for further consideration.

S. B. 556, a bill to provide for compensation to insurance agents for assistance with recoupment surcharges, for concurrence in House Amendment No. 1.

On motion of Senator Rauch, the Senate concurs in House Amendment No. 1 and the bill is ordered enrolled.

S. B. 634, Committee Substitute for **S. B. 634**, a bill to authorize the clerk of superior court to appoint a representative for making inventory of lockboxes.

Senator Hardison offers Amendment No. 1.

On motion of Senator Creech, the Committee Substitute bill, with pending Amendment No. 1, is recommitted to the **Judiciary III Committee**.

S. B. 640, a bill to repeal a local act concerning a vacancy in the office of Yadkin County sheriff.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 659, a bill protecting waterfowl within a 500 yard radius of the Rocky Mount Tar River Reservoir in Nash County.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 661, a bill to allow the County of Craven to use the provisions of Chapter 136 of the General Statutes in condemnation proceedings, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, Mills, Noble, Palmer, Rauch, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 45.

The bill remains on the Calendar upon third reading.

H. B. 618, a bill to authorize the City of Wilmington to exercise the power of eminent domain to acquire real property for purposes of public auditoriums, coliseums, and convention and civic centers, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garri-son, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, Mills, Noble, Palmer, Rauch, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 45.

The bill remains on the Calendar upon third reading.

H. B. 621, a bill to authorize the City of Wilmington to exercise the special powers granted therein when the municipal governing body designates itself to exercise the powers, duties and responsibilities of a redevelopment commission.

The bill passes its second and third readings and is ordered enrolled.

H. B. 677, a bill to repeal Chapter 790, Session Laws of 1957, limiting the tax for fire protection in Granville County, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garri-son, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, Mills, Noble, Palmer, Rauch, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 45.

The bill remains on the Calendar upon third reading.

H. B. 710, a bill to amend the Charter of the Town of Stem in Granville County, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garri-son, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, Mills, Noble, Palmer, Rauch, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 45.

The bill remains on the Calendar upon third reading.

H. B. 714, Committee Substitute for **H. B. 714**, a bill to amend G. S. 153A-345(b) relating to the duties of the Mecklenburg County Zoning Board of Adjustment.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 725, a bill to authorize Mecklenburg County to increase the size of its Board of Social Services.

On motion of Senator Mathis, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 730, a bill establishing a Harbor Authority for the operation and maintenance of public harbors in the County of Carteret, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger,

Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, Mills, Noble, Palmer, Rauch, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 45.

The bill remains on the Calendar upon third reading.

H. B. 1136, a bill to validate past annexations and elections of and by the Town of Sylva.

The bill passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 147, an act to allow claims to be settled prior to the completion of contracts.

S. B. 428, an act to annex a described area to the Town of Aberdeen in Moore County.

S. B. 429, an act to revise the Charter of the Town of Liberty.

S. B. 542, an act to provide for separate designation of lienholders in property tax foreclosure actions.

S. B. 584, an act to authorize the Attorney General to pay medical bills for pupils transported to and from school by school buses.

S. B. 616, an act to provide for safe distances for hunting migratory wild waterfowl in Carteret and Pamlico Counties.

S. J. R. 635, a joint resolution honoring the life and memory of Lorimer W. Midgett, former member of the General Assembly.

H. B. 290, Committee Substitute for **H. B. 290**, an act to amend Chapter 90, Article 22 of the General Statutes relating to speech and language pathologists and audiologists.

H. B. 291, Committee Substitute for **H. B. 291**, an act to amend Chapter 90, Article 1 of the General Statutes relating to the practice of medicine.

H. J. R. 1011, a joint resolution honoring the life and memory of Paul Jackson Story.

H. B. 1044, an act to amend G. S. 20-162 to clarify provisions relating to parking in fire lanes.

H. J. R. 1112, a joint resolution honoring John W. Covington, Jr., a former member of the General Assembly.

H. B. 1115, an act to amend G. S. 113-272.5 relating to captivity licenses on cougars.

On motion of Senator Lawing, seconded by Senator Clarke, the Senate adjourns to meet tomorrow at 1:30 P.M.

ONE HUNDRED NINTH DAY

SENATE CHAMBER,
Tuesday, June 16, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"God Our Father, As the temperature outside begins to soar with the advent of summer, we are reminded that our own temperatures sometimes soar in the midst of conflict. Help us to always keep our cool, remembering that our task as Your servants is to bring light to the world, not to generate heat. Remind us also that battles won by intimidation are hollow victories, and that lasting value is achieved by the soundness of our argument, not by the volume of our sound. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Mills for the **Banking Committee**:

S. B. 658, a bill to authorize the use of variable or adjustable rate loans for financing mobile or manufactured homes, with a favorable report.

H. B. 1105, a bill to amend Chapter 282 of the 1981 Session Laws to clarify when one savings and loan association may merge with another, with a favorable report.

By Senator Duncan for the **Finance Committee**:

S. B. 539, a bill to create the Charitable Solicitation Licensure Act, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Duncan, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Duncan, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, June 18.

S. B. 662, a bill to permit taxpayers to receive ad valorem tax credit in the amount of the assessed value of real property conveyed to a county for the purpose of credit, with a favorable report.

H. B. 279, Committee Substitute for **H. B. 279**, a bill to amend Chapter 88 of the General Statutes pertaining to the practice of cosmetic art, with a favorable report.

H. B. 283, Committee Substitute for **H. B. 283**, a bill to amend Chapter 90A, Article 2, concerning certification of water treatment facility operators, with a favorable report.

H. B. 749, Committee Substitute for **H. B. 749**, a bill to adopt a "Model Ridesharing Law" and to amend the Wage and Hour Law, motor vehicles, taxation and taxi regulations to promote public and private ridesharing arrangements, with a favorable report.

H. B. 892, a bill to amend G. S. 20-37.7 relating to special identification card, with a favorable report, as amended.

H. B. 942, a bill to amend the law governing the North Carolina Board of Mortuary Science, with a favorable report.

H. B. 970, Committee Substitute for **H. B. 970**, a bill to increase the mileage deduction allowed for automobile expenses incurred in performing charitable services, with a favorable report.

On motion of Senator Duncan, the bill is re-referred to the **Appropriations Committee**.

H. B. 1024, a bill to exempt from the sales tax charges for property and services obtained from out-of-state funeral directors, with a favorable report.

On motion of Senator Duncan, the bill is re-referred to the **Ways and Means Committee**.

H. B. 1030, a bill to authorize controlled harvest of antlerless deer in areas of overpopulation, with a favorable report, as amended.

H. B. 1031, Committee Substitute for **H. B. 1031**, a bill to make technical changes in license provisions administered by the North Carolina Wildlife Resources Commission, with a favorable report.

H. B. 1119, a bill to allow a fuel tax refund for volunteer rescue squads, with a favorable report.

On motion of Senator Duncan, the bill is re-referred to the **Ways and Means Committee**.

H. B. 1123, a bill to exempt medicines sold on prescription of veterinarians from the retail sales tax, with a favorable report.

On motion of Senator Duncan, the bill is re-referred to the **Ways and Means Committee**.

By Senator Wynne for the **Higher Education Committee**:

H. B. 979, a bill to include custodial employees of the Department of Correction in the provisions for community college and technical institute tuition waiver, with a favorable report.

H. B. 1048, a bill to amend Chapter 157 of the 1981 Session Laws to permit community colleges to deposit funds in savings and loan associations, with a favorable report.

By Senator Harris for the **Human Resources Committee**:

H. B. 695, Committee Substitute for **H. B. 695**, a bill to study and regulate the practice of midwifery in North Carolina, with a favorable report.

H. B. 893, a bill to require passenger restraint systems for children under four years of age, with a favorable report.

On motion of Senator Barnes, the bill is re-referred to the **State Government Committee**.

By Senator Soles for the **Judiciary II Committee**:

S. B. 633, a bill regarding deposit of funeral and burial trust funds, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, June 18.

H. B. 611, a bill to revise the penalties for desecration of cemeteries and graves, as recommended by the Abandoned Cemeteries Study Committee, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, June 18.

H. B. 831, Committee Substitute for **H. B. 831**, a bill to provide for exemptions from civil liability for certain persons rendering assistance at accidents involving liquefied petroleum gas, with a favorable report, as amended.

By Senator Creech for the **Judiciary III Committee**:

H. B. 377, a bill to adopt a comparative fault system, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Creech, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Creech, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, June 18.

By Senator Raynor for the **Law Enforcement and Crime Control Committee**:

S. B. 462, a bill to provide minimally effective law enforcement throughout the State, with an unfavorable report as to bill, but favorable as to Committee Substitute which changes the bill to a joint resolution.

On motion of Senator Raynor, the rules are suspended and the Committee Substitute joint resolution, which changes the title to read **S. J. R. 462**, Committee Substitute for **S. J. R. 462**, a joint resolution memorializing the county commissioners of the State to increase the manpower in the sheriff's departments is placed before the Senate for immediate consideration.

On motion of Senator Raynor, the Committee Substitute joint resolution is adopted, and on his further motion is placed on the Calendar for Thursday, June 18.

By Senator Rauch for the **Senate Redistricting Committee**:

S. B. 313, a bill to establish senatorial districts and to apportion seats in the Senate among the districts, with an unfavorable report as to bill but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Rauch, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, June 18.

By Senator Harrington for the **Transportation Committee**:

S. B. 646, a bill to amend G. S. 20-119 relating to special permits for vehicles of excessive size or weight, with a favorable report.

CONFERENCE REPORT

H. B. 73, Senate Committee
Substitute for **H. B. 73**

Senator Hardison, for the Conferees appointed to consider the differences between the Senate and House of Representatives upon **H. B. 73**, Senate Committee Substitute for Committee Substitute for **H. B. 73**, submits the following report:

*To the President of the Senate and
the Speaker of the House of Representatives:*

We, your Conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on a bill to be entitled an act to amend G. S. 50-13.4 to make the father and the mother primarily liable for support, wish to report as follows:

1. That the Senate and House agree to amend the bill by rewriting Sec. 4 as follows:

Sec. 4. There is added to Chapter 110 of the General Statutes a new section as follows:

110-138.1. **Duty of Judicial Officials to Assist in Support.** Any party to whom child support has been ordered to be paid, and who has failed to receive the ordered support payments for two consecutive months, may make application to a magistrate for issuance of criminal process against the responsible parent for violation of G. S. 14-322. If the magistrate determines that the applicant has failed to receive the ordered support for two consecutive months, and that the responsible parent has willfully neglected or refused to make such payments, he shall make a finding of probable cause and issue criminal process for violation of G. S. 14-322. It shall be the duty of the District Attorney to prosecute such charges according to law. It shall be the duty of the Clerk of Superior Court to assist the applicant in making such application to the magistrate for the issuance of criminal process, and to supply such necessary child support records as are in his possession to the magistrate, District Attorney, and the Court.

2. That the House concur in the Senate Committee Substitute adopted 5/14/81, (fourth edition engrossed 5/26/81), except as indicated in paragraph #1 above.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 16th day of June 1981.

Robert S. Swain
Ollie Harris
Harold W. Hardison
*Conferees on the part
of the Senate*

Joe Hackney
George A. Hux
Allen Adams
*Conferees on the part of
the House of Representatives*

On motion of Senator Hardison, the Conference Report is adopted and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

June 16, 1981

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 193, a bill to require the payment of just compensation by local authorities requiring the removal of billboards which are permitted under the provisions of Article 11 of Chapter 136 of the General Statutes.

Referred to **Transportation Committee**.

H. B. 603, Committee Substitute for **H. B. 603**, a bill to revise portions of the Fayetteville City Charter.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 1186, a bill to require prices of all mixed beverages to be printed.

Referred to **Alcoholic Beverage Control Committee**.

H. B. 1195, a bill to allow a member of a county social services board who is a county commissioner to serve without limitation as to terms on the county social services board.

Referred to **Human Resources Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

(Senator Lawing presides over a portion of today's Session.)

S. B. 261, Committee Substitute for **S. B. 261**, a bill to limit the reduction in disability retirement allowances of gainfully employed disability retirees of the Law Enforcement Officers' Benefit and Retirement Fund.

On motion of Senator Lawing the Committee Substitute bill is recommitted to the **Pensions and Retirement Committee**.

S. B. 279, a bill to amend the Constitution of North Carolina to provide that a defendant in a noncapital criminal case may, with the consent of the State, waive the right to a jury trial if represented by counsel, and to make conforming changes to the General Statutes, upon third reading.

Senator Jenkins offers Amendment No. 1, held to be material, which is adopted, constituting the first reading of the bill. The bill, as amended, remains on the Calendar, upon second reading.

The Chair rescinds the ruling as to Amendment No. 1 being material, and the bill, as amended, remains before the Senate upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 44, noes 1, as follows:

Voting in the affirmative: Senators Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 44.

Voting in the negative: Senator Redman — 1.

Having received a three-fifths majority affirmative vote, the bill, as amended, is ordered engrossed and sent to the House of Representatives.

S. B. 391, Committee Substitute for **S. B. 391**, a bill to repeal and amend sections of the Wage and Hour Act.

The Committee Substitute bill passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger.

S. B. 404, a bill to amend Article 52 of Chapter 143 of the North Carolina General Statutes entitled "The North Carolina Pesticide Law of 1971", for concurrence in House Amendment No. 1, upon third reading.

On motion of Senator Boger, the Senate concurs in House Amendment No. 1, by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Speed, Thomas of Craven, Thomas of Henderson, Vickery, Ward, Warren, White, and Wynne — 43.

The bill is ordered enrolled.

S. B. 508, a bill to expand the disqualification of claimants for unemployment benefits who refuse suitable work without good cause, for concurrence in House Amendment No. 1.

On motion of Senator Allred, the Senate concurs in House Amendment No. 1 and the bill is ordered enrolled.

S. B. 549, Committee Substitute for **S. B. 549**, a bill to eliminate the common law requirement that a deed must be sealed to be valid, upon third reading.

The Committee Substitute bill passes its third reading and is ordered sent to the House of Representatives.

S. B. 567, House Committee Substitute for **S. B. 567**, a bill to create a new article to Chapter 66 to prevent fraud and abuse by discount buying clubs, for concurrence in the House Committee Substitute bill.

On motion of Senator Jenkins, the Senate concurs in the House Committee Substitute bill and the bill is ordered enrolled.

S. B. 610, a bill to raise the examination fee for psychologists.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 661, a bill to allow the County of Craven to use the provisions of Chapter 136 of the General Statutes in condemnation proceedings, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Garrison, Gray, Hancock, Hardison, Harris, Jenkins, Johnson, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 44.

The bill is ordered sent to the House of Representatives.

H. B. 331, a bill to amend certain sections of Chapter 53 and other chapters of the General Statutes relating to banks and the Commissioner of Banks, as amended, upon second reading.

The bill, as amended, passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wright — 47.

The bill, as amended, remains on the Calendar upon third reading.

H. B. 618, a bill to authorize the City of Wilmington to exercise the power of eminent domain to acquire real property for purposes of public auditoriums, coliseums, and convention and civic centers, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Garrison, Gray, Hancock, Hardison, Harris, Jenkins, Johnson, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 44.

The bill is ordered enrolled.

H. B. 676, a bill to amend the Constitution to authorize the General Assembly to prescribe a maximum age limit for service as a district attorney, upon second reading.

On motion of Senator Clarke, Committee Amendment No. 1 is adopted.

On motion of Senator Allsbrook, consideration of the bill, as amended, is postponed until Wednesday, June 17.

H. B. 677, a bill to repeal Chapter 790, Session Laws of 1957, limiting the tax for fire protection in Granville County, upon third meeting.

The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Garrison, Gray, Hancock, Hardison, Harris, Jenkins, Johnson, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 44.

The bill is ordered enrolled.

H. B. 710, a bill to amend the Charter of the Town of Stem in Granville County, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Garrison, Gray, Hancock, Hardison, Harris, Jenkins, Johnson, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 44.

The bill is ordered enrolled.

H. B. 730, a bill establishing a Harbor Authority for the operation and maintenance of public harbors in the County of Carteret, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Garrison, Gray, Hancock, Hardison, Harris, Jenkins, Johnson, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 44.

The bill is ordered enrolled.

H. B. 879, a bill to clarify and update the Weights and Measures Act of 1975, upon second reading.

The bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 47.

The bill remains on the Calendar upon third reading.

H. B. 939, Committee Substitute for **H. B. 939**, a bill to make isolated amendments to the General Statutes as recommended by the General Statutes Commission.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 1004, a bill to clarify the scope of judicial review of an advisory decision of the State Personnel Commission.

On motion of Senator Hancock, the bill is recommitted to the **Judiciary II Committee**.

H. B. 1012, a bill to revise licensure fees for nurses, upon second reading.

On motion of Senator Rauch, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allred, Allsbrook, Baker, Ballenger, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Jenkins, Jernigan, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 45.

The bill, as amended, remains on the Calendar upon third reading.

H. B. 1025, a bill to amend the Marital and Family Therapy Certification Act.

The bill passes its second reading.

On objection of Senator Kincaid to its third reading the bill remains on the Calendar for further consideration.

H. B. 1038, Committee Substitute for **H. B. 1038**, a bill to exempt from property taxation real property irrevocably dedicated for human burial purposes.

On motion of Senator Duncan, Committee Amendment No. 1 is adopted, and on his further motion the Committee Substitute bill, as amended, is re-referred to the **Ways and Means Committee**.

H. B. 1084, a bill to extinguish certain liens on fruits and vegetables sold at auction.

On motion of Senator Barnes, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 355, Committee Substitute for **S. B. 355**, an act to allow beer sales in certain townships.

S. B. 556, an act to provide for compensation to insurance agents for assistance with recoupment surcharges.

S. B. 600, an act to exempt certain pressure vessels from the construction requirements of the "Uniform Boiler and Pressure Vessel Act" when the owner transfers the vessel from its facility out of state to its facility within this State and installs it prior to December 31, 1981.

H. B. 621, an act to authorize the City of Wilmington to exercise the special powers granted therein when the municipal governing body designates itself to exercise the powers, duties and responsibilities of a redevelopment commission.

H. B. 714, Committee Substitute for **H. B. 714**, an act to amend G. S. 153A-345(b) relating to the duties of the Mecklenburg County Zoning Board of Adjustment.

H. B. 793, Committee Substitute for **H. B. 793**, an act to provide that a receiver may be appointed in a proceeding to partition certain jointly owned property.

H. B. 797, Committee Substitute for **H. B. 797**, an act to amend the Water Use Act of 1967, so as to update its notice, hearings and appeal procedures, to eliminate outmoded and redundant provisions, and for related purposes.

H. B. 815, an act to authorize representatives of the Department of Human Resources who are empowered to inspect certain facilities to have access to confidential medical records and information pertaining to the patients or residents of those facilities.

H. B. 894, an act to clarify requirements for the filing of condominium plans.

H. J. R. 930, a joint resolution honoring the life and memory of Victor S. Bryant.

H. B. 1136, an act to validate past annexations and elections of and by the Town of Sylva.

On motion of Senator Lawing, seconded by Senator Jenkins, the Senate adjourns to meet tomorrow at 1:30 P.M.

ONE HUNDRED TENTH DAY

SENATE CHAMBER,
Wednesday, June 17, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"God of Mercy, we confess that we all need to be reminded of our shortcomings and offenses against You and our neighbor, and of Your gracious offer of forgiveness. We pray today for those who serve the public trust: for legislators, governors, police and firemen, mayors, ministers, teachers and others whose life-work is given in service to others. Help us to remember that we must look beyond personal gain or glory; and that no state, nation, church or any other human institution lives for itself alone, but is responsible for Your peace and for the welfare of all Your children. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants a leave of absence to Senator Mills and to Senator Vickery for today, Thursday, and Friday, June 17, 18, and 19.

RE-REFERRALS

H. B. 295, Committee Substitute for **H. B. 295**, a bill to amend Chapter 90, Article 4 of the General Statutes, relating to pharmacy.

On motion of Senator Barnes, the Committee Substitute bill is taken from the **Human Resources Committee** and re-referred to the **State Government Committee**.

H. B. 438, a bill to authorize members of occupational licensing boards to receive reimbursement for travel and subsistence expenses on the same basis as State boards and commissions.

On motion of Senator Royall, the bill is taken from the **Ways and Means Committee** and re-referred to the **State Government Committee**.

H. B. 719, a bill to amend the North Carolina Securities Act to provide an alternative method of registering securities dealers and salesmen and to make other changes.

On motion of Senator Hardison, the bill is taken from the **Appropriations Committee** and is placed on the Calendar for tomorrow, June 18.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Swain for the **Courts and Judicial Districts and Criminal Justice Committee**:

S. B. 672, a bill to make trial evidence rules apply to depositions and interrogatories, with a favorable report.

By Senator McDuffie for the **Election Laws Committee**:

S. B. 683, a bill to provide for payment of the cost of elections on the question of formation of a new municipality or special district, with a favorable report.

H. B. 169, Committee Substitute No. 3 for **H. B. 169**, a bill to provide that when vacancies occur in the offices of county commissioner, sheriff, register of deeds, coroner, or partisan school board races, the appointing board or person must appoint the person recommended by the political party executive committee of the vacating officer, and by requiring a district bar to nominate candidates for district court judges of the same party of the vacating judge, with a favorable report, as amended.

H. B. 976, Committee Substitute for **H. B. 976**, a bill concerning the nomination of unaffiliated candidates by petition, with a favorable report.

H. B. 977, Committee Substitute for **H. B. 977**, a bill to require that in counties having fifteen or more precincts, two special registration commissioners shall be appointed, one each from the two major political parties, with a favorable report.

H. B. 1158, a bill to justify use of paper ballots for write-in votes in precincts where mechanical voting machines are used, with a favorable report.

By Senator Duncan for the **Finance Committee**:

S. B. 512, a bill to repeal the sunset provision on byssinosis (brown lung) claims, and to provide a tax credit for payment of certain claims for byssinosis under the Workers' Compensation Act, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Duncan, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Duncan, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Ways and Means Committee**.

S. B. 622, a bill to allow sanitary districts to provide rescue services, and levy a tax therefor, with a favorable report.

S. B. 630, a bill to amend the Mecklenburg County Sales and Use Tax Act and to authorize the levy of an additional one percent sales and use tax in Mecklenburg County, with a favorable report, as amended.

S. B. 637, a bill to increase fees to be paid to the State Licensing Board for general contractors, with a favorable report.

S. B. 656, a bill to authorize Avery County to hold a referendum on levying a County privilege license tax measured by gross receipts, with an unfavorable report.

H. B. 588, a bill to authorize boards and special boards of equalization and review to compromise, settle or adjust taxes after discovery under G. S. 105-312, with a favorable report.

H. B. 1094, a bill to repeal the inventory and stamp requirements for beer and wine sales to military reservations, with a favorable report, as amended.

By Senator Harris for the **Human Resources Committee**:

S. B. 532, a bill to clarify requirements for licensure of domiciliary homes, with a favorable report, as amended.

H. B. 405, Committee Substitute for **H. B. 405**, a bill to establish effective procedures to enable certain elderly persons in need of care to stay at home and to provide the in-home services necessary to care for them, with a favorable report.

H. B. 675, Committee Substitute for **H. B. 675**, a bill to allow the Secretary of Human Resources to suspend the authority of a nursing home or home for the aged to admit patients or residents where the conditions at the home are detrimental to health or safety, with a favorable report, as amended.

H. B. 994, a bill to prohibit conflicts of interest by officers and employees administering the State medical assistance plan, with a favorable report, as amended.

H. B. 1039, a bill to allow sanitary districts to dispose of property under the same procedures as cities, with a favorable report.

By Senator Mathis for the **Insurance Committee**:

S. B. 617, a bill to provide changes in the valuation and nonforfeiture standards of the benefit certificates of fraternal benefit societies and to delete the five thousand dollar nonmedical examination limitation, with a favorable report.

S. B. 623, a bill to amend Chapter 58, Article 22, of the General Statutes relating to nonforfeiture benefits of life insurance policies and reserve valuation standards for life insurance policies and annuity contracts, with a favorable report.

By Senator Creech for the **Judiciary III Committee**:

S. B. 324, a bill to facilitate the prosecution of marijuana offenses by expanding District Court jurisdiction, with an unfavorable report as to bill, but favorable as to Committee Substitute which changes the bill to a joint resolution.

On motion of Senator Creech, the rules are suspended and the Committee Substitute joint resolution, which changes the title to read **S. J. R. 324**, Committee Substitute for **S. B. 324**, a joint resolution directing the Legislative Research Commission to reexamine present penalties and to study the expansion of district court jurisdiction to include an increased number of marijuana offenses, is placed before the Senate for immediate consideration.

On motion of Senator Creech, the Committee Substitute joint resolution is adopted, and on his further motion is placed on the Calendar for Friday, June 19.

H. B. 947, Committee Substitute for **H. B. 947**, a bill to allow the traditional general law definition of just compensation in condemnation of privately owned public utilities by repealing G. S. 40-7.1 which limits such compensation, with a favorable report.

By Senator Marion for the **Local Government and Regional Affairs Committee**:

S. B. 384, a bill to abolish the Simmons-Nott Airport Authority, with a favorable report.

S. B. 673, a bill to increase the allowable number of trustees of Rex Hospital and to alter the method of appointment of said trustees, with a favorable report.

S. B. 674, a bill to add the Town of Marshall to Chapter 1190, Session Laws of 1979, with a favorable report.

S. B. 685, a bill to require consent of the Franklin County Board of Commissioners before land in that County may be condemned or acquired by a unit of local government outside Franklin County, with a favorable report.

H. B. 619, a bill to amend the Charter of the City of Wilmington concerning claims against the City, with a favorable report.

H. B. 698, Committee Substitute for **H. B. 698**, a bill to allow the City of Marion to submit plans for water and sewer improvements without the seal of a registered professional engineer, with a favorable report, as amended.

H. B. 734, a bill to amend the act relative to the title to the land built up and constructed in the Town of Wrightsville Beach, with a favorable report.

H. B. 1177, a bill to repeal procedural restrictions on sale of water by Buncombe County, with a favorable report.

H. B. 1181, a bill to allow Union County to collect utility bills as if they were taxes due the County, with a favorable report.

By Senator Thomas of Craven for the **Natural and Economic Resources and Wildlife Committee**:

S. B. 660, a bill authorizing the Town of Beaufort to regulate navigable waters within its boundaries, with a favorable report, as amended.

S. B. 686, a bill to regulate hunting and fishing on the registered property of another, with a favorable report, as amended.

On motion of Senator Thomas of Craven, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Finance Committee**.

H. B. 1043, a bill to amend Chapter 721 of the 1979 Session Laws relating to hunting with rifles in certain townships of Moore County, subject to a referendum, with a favorable report.

RECONSIDERATION

S. B. 549, Committee Substitute for **S. B. 549**, a bill to eliminate the common law requirement that a deed must be sealed to be valid.

Senator Swain moves that the vote by which the Committee Substitute bill passed its third reading yesterday, June 16, be reconsidered, which motion prevails.

On motion of Senator Swain, further consideration of the Committee Substitute bill is postponed until Thursday, June 18.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 73, Senate Committee
Substitute for **H. B. 73**

House of Representatives
June 17, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Committee Substitute for **H. B. 73**, a bill to be entitled an act to amend G. S. 50-13.4 to make the father and the mother primarily liable for support, to the end that we will order the bill enrolled.

Respectfully,
GRACE COLLINS
Principal Clerk

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Walker, Jernigan, Duncan, Mills, Thomas of Craven, Garrison, Thomas of Henderson, Gray, Marion, Ward, Daniels, Wynne, Palmer, Raynor, Speed, Barnes, and Warren:

S. B. 688, a bill to permit a highway patrolman or his family to receive his side arm upon his death or retirement.

Referred to **Law Enforcement and Crime Control Committee**.

By Senators Vickery and Walker:

S. B. 689, a bill to refund a member's contribution to the Law Enforcement Officers' Benefit and Retirement Fund upon member's death, regardless of length of service.

Referred to **Pensions and Retirement Committee**.

By Senators Redman, Boger, McDuffie, Baker, Wright, Cavanagh, and Smith:

S. B. 690, a bill to prohibit use of State funds for abortions.

Referred to **Appropriations Committee**.

By Senator Jenkins:

S. B. 691, a bill to provide official license plates for the clerks of court.

Referred to **Transportation Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 353, a bill to regulate interest rates on life insurance policy loans.

Referred to **Insurance Committee**.

June 17, 1981

H. B. 1121, a bill to amend Article V of the Constitution of North Carolina to permit the General Assembly to grant to appropriate public bodies in the State additional powers to develop new and existing seaports and airports, including powers to finance and refinance for public and private parties seaport and airport and related facilities and improvements.

Referred to **Constitutional Amendments Committee**.

H. B. 1174, Committee Substitute for **H. B. 1174**, a bill to amend certain provisions of Chapter 159 relative to local government budget and fiscal control matters.

Referred to **Finance Committee**.

H. B. 1191, a bill regarding the declarant's and witnesses' certificates to a "living will."

Referred to **Judiciary II Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

(Senator Lawing presides over a portion of today's Session.)

S. B. 583, Committee Substitute for **S. B. 583**, a bill to tax lessees and users of cropland or forestland owned by the United States, the State or its political subdivisions and used by the lessee or user in connection with a business conducted for profit, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, White, Wright, and Wynne — 42.

The Committee Substitute bill remains on the Calendar upon third reading.

S. B. 646, a bill to amend G. S. 20-119 relating to special permits for vehicles of excessive size or weight.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 658, a bill to authorize the use of variable or adjustable rate loans for financing mobile or manufactured homes.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 662, a bill to permit taxpayers to receive ad valorem tax credit in the amount of the assessed value of real property conveyed to a county for the purpose of credit.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H. B. 279, Committee Substitute for **H. B. 279**, a bill to amend Chapter 88 of the General Statutes pertaining to the practice of cosmetic art, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, White, Wright, and Wynne — 44.

The Committee Substitute bill remains on the Calendar upon third reading.

H. B. 283, Committee Substitute for **H. B. 283**, a bill to amend Chapter 90A, Article 2, concerning certification of water treatment facility operators, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, White, Wright, and Wynne — 45.

The Committee Substitute bill remains on the Calendar upon third reading.

H. B. 331, a bill to amend certain sections of Chapter 53 and other chapters of the General Statutes relating to banks and the Commissioner of Banks, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 44.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 676, a bill to amend the Constitution to authorize the General Assembly to prescribe a maximum age limit for service as a district attorney, as amended, upon second reading.

The bill, as amended, fails to pass its second reading for lack of a three-fifths majority affirmative vote, ayes 28, noes 18, as follows:

Voting in the affirmative: Senators Alford, Barnes, Boger, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Jenkins, Johnson, Lawing, Mathis, McDuffie, Palmer, Raynor, Royall, Soles, Speed, Thomas of Craven, Thomas of Henderson, Walker, Ward, and Wynne — 28.

Voting in the negative: Senators Allred, Allsbrook, Baker, Ballenger, Cavanagh, Cockerham, Harris, Jordan, Kincaid, Marion, Marvin, Noble, Rauch, Redman, Smith, Swain, White and Wright — 18.

H. B. 695, Committee Substitute for **H. B. 695**, a bill to study and regulate the practice of midwifery in North Carolina.

Senator Cavanagh offers Amendment No. 1 which is adopted.

The Committee Substitute bill, as amended, passes its second reading.

On objection of Senator Frye to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for further consideration.

H. B. 749, Committee Substitute for **H. B. 749**, a bill to adopt a "Model Ridesharing Law" and to amend the Wage and Hour Law, motor vehicles, taxation and taxi regulations to promote public and private ridesharing arrangements.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 831, Committee Substitute for **H. B. 831**, a bill to provide for exemptions from civil liability for certain persons rendering assistance at accidents involving liquefied petroleum gas.

On motion of Senator Soles, Committee Amendments No. 1 and No. 2 are adopted.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

H. B. 879, a bill to clarify and update the Weights and Measures Act of 1975, upon third reading.

The bill passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 45.

The bill is ordered enrolled.

H. B. 882, a bill to amend the Charter of the City of Winston-Salem by adding provisions relating to fair housing, with pending Amendment No. 1.

Senator Cavanagh moves the adoption of pending Amendment No. 1. Amendment No. 1 fails of adoption.

Senator Cavanagh offers Amendment No. 2 which fails of adoption.

The bill passes its second and third readings and is ordered enrolled.

H. B. 892, a bill to amend G. S. 20-37.7 relating to special identification card.

On motion of Senator Harris, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 942, a bill to amend the law governing the North Carolina Board of Mortuary Science, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Johnson, Jordan, Kincaid, Marion, Marvin,

Mathis, McDuffie, Noble, Palmer, Rauch, Raynor, Redman, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, White, Wright, and Wynne — 42.

The bill remains on the Calendar upon third reading.

H. B. 979, a bill to include custodial employees of the Department of Correction in the provisions for community college and technical institute tuition waiver.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1012, a bill to revise licensure fees for nurses, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 45.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1025, a bill to amend the Marital and Family Therapy Certification Act, upon third reading.

The bill passes its third reading and is ordered enrolled.

H. B. 1030, a bill to authorize controlled harvest of antlerless deer in areas of overpopulation, upon second reading.

On motion of Senator Thomas of Henderson, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, White, Wright, and Wynne — 45.

The bill, as amended, remains on the Calendar upon third reading.

H. B. 1031, Committee Substitute for **H. B. 1031**, a bill to make technical changes in license provisions administered by the North Carolina Wildlife Resources Commission, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Palmer, Rauch, Raynor, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, White, Wright, and Wynne — 43.

The Committee Substitute bill remains on the Calendar upon third reading.

H. B. 1032, a bill to change the classification for second degree murder and change the maximum sentence for Class C felonies.

On motion of Senator Swain, consideration of the bill is postponed until Friday, June 19.

H. B. 1048, a bill to amend Chapter 157 of the 1981 Session Laws to permit community colleges to deposit funds in savings and loan associations.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1105, a bill to amend Chapter 282 of the 1981 Session Laws to clarify when one savings and loan association may merge with another.

Senator Hardison offers Amendment No. 1 which is adopted.

On motion of Senator Jordan, consideration of the bill, as amended, is postponed until Thursday, June 18.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 146, an act to require the Office of State Budget and Management to study rules covering State construction.

S. B. 404, an act to amend Article 52 of Chapter 143 of the North Carolina General Statutes entitled "The North Carolina Pesticide Law of 1971".

S. B. 448, an act to allow the North Carolina State Highway Patrol and the North Carolina Department of Correction to sell, trade or otherwise dispose of guns.

S. B. 508, an act to expand the disqualification of claimants for unemployment benefits who refuse suitable work without good cause.

S. B. 538, an act to establish guidelines for the accreditation of law enforcement agencies.

S. B. 567, House Committee Substitute for **S. B. 567**, an act to create a new article to Chapter 66 to prevent fraud and abuse by discount buying clubs.

H. B. 293, Committee Substitute for **H. B. 293**, an act to amend Chapter 90, Article 17 of the General Statutes relating to dispensing opticians.

H. B. 299, Committee Substitute No. 2 for **H. B. 299**, an act to amend Chapter 93D of the General Statutes relating to hearing aid dealers and fitters.

H. B. 308, an act to add contractual services to the list of responsibilities of the Purchase and Contract Division and to increase the formal bid requirement to five thousand dollars.

H. B. 618, an act to authorize the City of Wilmington to exercise the power of eminent domain to acquire real property for purposes of public auditoriums, coliseums, and convention and civic centers.

H. B. 677, an act to repeal Chapter 790, Session Laws of 1957, limiting the tax for fire protection in Granville County.

H. B. 710, an act to amend the Charter of the Town of Stem in Granville County.

H. B. 730, an act establishing a Harbor Authority for the operation and maintenance of public harbors in the County of Carteret.

H. B. 939, Committee Substitute for **H. B. 939**, an act to make isolated amendments to the General Statutes as recommended by the General Statutes Commission.

On motion of Senator Jenkins, seconded by Senator Speed, the Senate adjourns to meet tomorrow at 1:30 P.M.

ONE HUNDRED ELEVENTH DAY

SENATE CHAMBER,
Thursday, June 18, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Gene Witherspoon, Jr., Pastor of Kirk of Kildaire Presbyterian Church, Cary, as follows:

"Dear God, everything seems so hot these days! The weather is hot. The debates are hot. Tempers at times are hot. In the midst of the concerns before us, we turn to You.

"We turn to You because we know You are in control. You control the weather, and while we wish it were not quite so warm, we acknowledge that. We know, however, that we control the temperature of debates and how hot our tempers get.

"And so we ask as debate continues today that the cooling winds of Your presence among us will give us the kind of concern for one another that brings about understanding.

"We pray that even as we compromise among ourselves to get support for that for which we fight, we may never compromise those basic principles of life and liberty and the well-being of others that have made this nation great, and the lack of which guarantees its fall.

"In the awareness of Your presence, and in the confidence of Your guidance, we make our prayer. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants a leave of absence to Senator Royall, for today, who is attending a meeting with the President of the United States, in Washington, D.C., and to Senator Mathis for tomorrow, June 19. A leave of absence granted previously to Senator Mills is noted. (It is noted that Senator Royall is present for a portion of today's Session.)

The President extends courtesies of the floor to I. Beverly Lake, Jr., former Senator from Wake County.

June 18, 1981

WITHDRAWAL FROM COMMITTEE

S. B. 261, Committee Substitute for **S. B. 261**, a bill to limit the reduction in disability retirement allowances of gainfully employed disability retirees of the Law Enforcement Officers' Benefit and Retirement Fund.

On motion of Senator Jenkins, the Committee Substitute bill is taken from the **Pensions and Retirement Committee** and is placed on the Calendar for tomorrow, June 19.

CONFERENCE REPORT

S. B. 306

June 18, 1981

Senator Warren, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **S. B. 306**, a bill to provide for requesting and giving notice of a second primary, submits the following report:

To the President of the Senate and
the Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on **S. B. 306**, Second Primary Request, wish to report as follows: that the House of Representatives and the Senate have conferred and recommend the House recede from its amendment and the conferees agree to the following amendment in lieu thereof:

"If the vote certification by the State Board of Elections determines that a candidate who was not originally thought to be eligible to call for a second primary is in fact eligible to call for a second primary, the Executive Secretary-Director of the State Board of Elections shall immediately notify such candidate and permit him to exercise any options available to him within a 48-hour period following the notification."

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 10th day of June, 1981.

HAROLD HARDISON

JAMES McDUFFIE

ROBERT WARREN

*Conferees on the part
of the Senate*

MARTIN LANCASTER

AL ADAMS

DOUG CLARK

*Conferees on the part
of the House of Representatives*

On motion of Senator Warren, the Conference Report is adopted and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

June 18, 1981

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S. B. 306

House of Representatives
June 18, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **S. B. 306**, a bill to be entitled an act to provide for requesting and giving notice of a second primary, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
GRACE COLLINS
Principal Clerk

The bill is ordered enrolled.

CONFERENCE REPORT

H. B. 920

June 18, 1981

Senator Swain, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H. B. 920**, a bill to amend the speedy trial law, submits the following report:

To the President of the Senate and
the Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on **H. B. 920**, a bill to be entitled an act to amend the speedy trial law, wish to report as follows:

Sec. 11 of **H. B. 920** should be rewritten as follows:

"Sec. 11. G. S. 15A-703 is amended by designating the present section as subsection (a) and adding a new subsection (b) to read as follows:

'(b) The 120-day limitation as provided in G. S. 15A-701 is the state policy in the district court division of the General Court of Justice, but none of the sanctions provided in this section shall apply to the proceedings in the district court division.' "

THE CONFEREES FURTHER WISH TO REPORT AS FOLLOWS:

A new Sec. 12 should be added to read as follows:

"Sec. 12. This act is effective upon ratification; however, Section 11 shall expire October 1, 1983."

June 18, 1981

To this end, the House and Senate conferees recommend that the Senate and the House of Representatives adopt the foregoing report.

This the 18th day of June, 1981.

ROBERT S. SWAIN
HENSON P. BARNES
R. P. THOMAS

*Conferees on the part
of the Senate*

RICHARD WRIGHT

JOE HACKNEY
GEORGE A. HUX

*Conferees on the part
of the House of Representatives*

On motion of Senator Swain, the Conference Report is adopted and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 920

House of Representatives
June 18, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **H. B. 920**, a bill to be entitled an act to amend the speedy trial law, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
GRACE COLLINS
Principal Clerk

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Swain for the **Courts and Judicial Districts and Criminal Justice Committee:**

S. B. 61, a bill to add two additional clerks of court in Wilkes County, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Swain, the rules are suspended and the Committee Substitute bill, which changes the title to read **S. B. 61**, Committee Substitute for **S. B. 61**, a bill to increase the number of judicial officials throughout the State and to increase legal counsel fees, is placed before the Senate for immediate consideration.

On motion of Senator Swain, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Appropriations Committee**.

By Senator Speed for the **Education Committee:**

H. B. 1061, Committee Substitute for **H. B. 1061**, a bill to encourage appropriate window placement and solar energy systems to conserve energy in public school facilities, with a favorable report.

June 18, 1981

H. B. 1073, Committee Substitute for **H. B. 1073**, a bill to permit school employees to choose to take annual leave or to make up days on which employees must report for work but pupils are not required to attend school due to inclement weather, with a favorable report.

H. B. 1106, a bill to include local board of education within the definition of units of local government for the purpose of the Inter-Local Cooperation Act, with a favorable report.

By Senator Mathis for the **Insurance Committee**:

H. B. 983, a bill to require continuation and conversion privileges in group health insurance policies and plans, with a favorable report, as amended.

By Senator Allsbrook for the **Judiciary I Committee**:

S. B. 502, Committee Substitute for **S. B. 502**, a bill setting forth duties of skiers and ski area operators and limitations thereof, with an unfavorable report as to Committee Substitute bill No. 1, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Allsbrook, the rules are suspended and the Committee Substitute bill No. 2 is placed before the Senate for immediate consideration.

On motion of Senator Allsbrook, the Committee Substitute bill No. 2 is adopted, and on his further motion is placed on the Calendar for Monday, June 22.

By Senator Soles for the **Judiciary II Committee**:

S. B. 204, a bill to increase uniform jail fees, with a favorable report, as amended.

S. B. 649, a bill to repeal radio microwave speed-measuring instrument procedures, with a favorable report.

S. B. 652, a bill to make the records of the Industrial Commission open to the public, with a favorable report, as amended.

H. B. 696, Committee Substitute for **H. B. 696**, a bill to permit a spouse to give testimony in a paternity action, with a favorable report.

H. B. 697, Committee Substitute for **H. B. 697**, a bill to require that counsel be appointed for indigent parents in termination of parental rights actions, with a favorable report.

On motion of Senator Soles, the Committee Substitute bill is re-referred to the **Appropriations Committee**.

H. B. 978, Committee Substitute for **H. B. 978**, a bill to provide that actions to contest the validity of a county zoning ordinance must be brought within nine months of adoption of the ordinance, with a favorable report.

By Senator Creech for the **Judiciary III Committee**:

S. B. 647, a bill to require an applicant for vehicle registration to certify that no delinquent property taxes are owed on the vehicle and that the vehicle has been listed for property taxes, with a favorable report.

H. B. 1155, a bill to allow the Parole Commission to parole and terminate an inmate, with a favorable report.

By Senator Jernigan for the **Manufacturing, Labor and Commerce Committee:**

H. B. 883, Committee Substitute for **H. B. 883**, a bill to exempt certain nonhazardous small jobs from city and county building inspection, with a favorable report, as amended.

By Senator Jenkins for the **Pensions and Retirement Committee:**

S. B. 54, a bill to amend G. S. 128-24 so as to exempt certain employees and retired employees of the City of Asheville from its provisions prohibiting dual membership in two pension funds of the State of North Carolina, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Jenkins, the rules are suspended and the Committee Substitute bill, which changes the title to read **S. B. 54**, Committee Substitute for **S. B. 54**, a bill to permit the creation of a supplemental retirement plan for certain policemen of the City of Asheville at such time as members of the Asheville Policemen's Pension and Disability Fund elect to participate in the North Carolina Local Governmental Employees' Retirement System, is placed before the Senate for immediate consideration.

On motion of Senator Jenkins, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, June 19.

S. B. 550, a bill to require the Board of Trustees of the Retirement System to provide psychiatric care medical insurance for teachers and State employees, with a favorable report, as amended.

On motion of Senator Jenkins, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee**.

S. B. 588, a bill to refund the amount of accumulated contributions in excess of the contributions required of other teachers and State employees covered under the Federal Insurance Contributions Act made by employees of the Cooperative Agricultural Extension Service who are members of the Teachers' and State Employees' Retirement System, with a favorable report.

On motion of Senator Jenkins, the bill is re-referred to the **Appropriations Committee**.

H. B. 1015, a bill to repeal various provisions of Chapter 135 providing for the purchase of retirement service credits for non-State service for new members of the Teachers' and State Employees' Retirement System, with a favorable report.

By Senator Marvin for the **Redistricting - Congressional Committee:**

S. B. 87, Committee Substitute for **S. B. 87**, a bill to divide North Carolina into eleven Congressional Districts, with an unfavorable report as to Committee Substitute bill No. 1, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Marvin, the rules are suspended and the Committee Substitute bill No. 2 is placed before the Senate for immediate consideration.

On motion of Senator Marvin, the Committee Substitute bill No. 2 is adopted, and on her further motion is placed on the Calendar for Monday, June 22, as Special Order of Business No. 1.

By Senator Barnes for the **State Government Committee**:

S. B. 312, House Committee Substitute No. 2 for **S. B. 312**, a bill to prohibit the possession, whether openly or concealed, of any weapon while on any State property, with a favorable report, as to concurrence in House Committee Substitute bill No. 2.

S. B. 468, a bill to provide for an automatic pay increase to public employees who pass the certified professional secretary examination, with an unfavorable report as to bill, but favorable as to Committee Substitute, which changes the bill to a joint resolution.

On motion of Senator Barnes, the rules are suspended and the Committee Substitute joint resolution, which changes the title to read **S. J. R. 468**, Committee Substitute for **S. B. 468**, a joint resolution urging all managers with the State of North Carolina responsible for clerical personnel to give preference to certified professional secretaries for promotions and pay increases, is placed before the Senate for immediate consideration.

On motion of Senator Barnes, the Committee Substitute joint resolution is adopted, and on his further motion is placed on the Calendar for Monday, June 22.

H. B. 294, Committee Substitute No. 2 for **H. B. 294**, a bill to amend Chapter 90, Article 12A, of the General Statutes relating to podiatrists, with a favorable report.

H. B. 897, a bill to raise the threshold amount of construction, repair, or supply purchase contracts for which informal bids are required, with a favorable report.

H. B. 898, a bill to raise the threshold amount of purchases under public building contracts for which formal advertisement for bids is required, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Barnes, the rules are suspended and the Senate Committee Substitute bill, which changes the title to read **H. B. 898**, Senate Committee Substitute for **H. B. 898**, a bill to raise the threshold amount of purchases of supplies and equipment for which formal advertisement for bids is required, and to repeal prior local acts, is placed before the Senate for immediate consideration.

On motion of Senator Barnes, the Senate Committee Substitute is adopted, and on his further motion is placed on the Calendar for Monday, June 22.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Rauch:

S. B. 692, a bill to amend G. S. 143-34.12 so as to delay the repeal of the statutes on the 1981 sunset list from July 1, 1981, until July 31, 1981.

Referred to **State Government Committee**.

By Senators Harrington and Daniels:

S. J. R. 693, a joint resolution pertaining to the adequacy, reliability and economy of electric power in the northeast region of the State of North Carolina.

Referred to **Rules and Operation of the Senate Committee**.

By Senator Hardison:

S. B. 694, a bill defining eligibility for membership on the State Board of Education.
Referred to **Rules and Operation of the Senate Committee**.

Senator Allsbrook moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Allsbrook:

S. B. 695, a bill to repeal a section of the Roanoke Rapids City Charter in conflict with G. S. 160A-64 concerning compensation of officials.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Allred, Kincaid, Ballenger, Boger, Harris, Baker, Smith, and Wright:

S. B. 696, a bill to limit insurance premium surcharges to insureds involved in accidents resulting in costs to insurance companies and to insureds having more than two Division of Motor Vehicles points.

Referred to **Insurance Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 120, House Committee Substitute for **S. B. 120**, a bill to amend statutes of limitation concerning improvements to real property, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, June 19.

S. B. 416, a bill to amend the North Carolina Health Planning and Resource Development Act of 1978, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, June 19.

H. B. 408, a bill to increase the fees for the use of the courtroom and related judicial facilities.

Referred to **Finance Committee**.

H. B. 854, Committee Substitute for **H. B. 854**, a bill to provide for the improvement of certain roads by Catawba County.

Referred to **Transportation Committee**.

H. B. 931, Committee Substitute for **H. B. 931**, a bill to make it unlawful for professional solicitors to solicit charitable contributions by telephone.

Referred to **Judiciary II Committee**.

H. B. 1041, Committee Substitute for **H. B. 1041**, a bill to amend G. S. 75-33 relating to representations of eligibility to win a prize.

Referred to **Judiciary II Committee**.

H. B. 1098, Committee Substitute for **H. B. 1098**, a bill to create a domiciliary home residents' bill of rights.

Referred to **Senior Citizens Affairs Committee**.

H. B. 1134, a bill to establish a criminal justice officer's bill of rights.
Referred to **Law Enforcement and Crime Control Committee**.

H. B. 1159, a bill to designate the fourth week in September as Indian Solidarity Week.

Referred to **Rules and Operation of the Senate Committee**.

H. B. 1173, a bill to establish a program to purchase and maintain coastal lands subject to natural hazards for beach access and use.

Referred to **Natural and Economic Resources and Wildlife Committee**.

H. B. 1183, a bill amending the law relating to chains on hunting traps.

Referred to **Natural and Economic Resources and Wildlife Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

(Senator Lawing presides over a portion of today's Session.)

S. B. 313, Committee Substitute for **S. B. 313**, a bill to establish senatorial districts and to apportion seats in the Senate among the districts.

The Committee Substitute bill passes its second reading.

On objection of Senator Rauch to its third reading, the Committee Substitute bill remains on the Calendar for further consideration.

Senators White, Soles, and Royall request to be recorded voting "aye." (See Journal of Friday, June 19.)

S. B. 384, a bill to abolish the Simmons-Nott Airport Authority.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. J. R. 462, Committee Substitute for **S. J. R. 462**, a joint resolution memorializing the county commissioners of the State to increase the manpower in the sheriff's departments.

On motion of Senator White, the Committee Substitute joint resolution is re-referred to the **Rules and Operation of the Senate Committee**.

S. B. 532, a bill to clarify requirements for licensure of domiciliary homes.

On motion of Senator Gray, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 539, Committee Substitute for **S. B. 539**, a bill to create the Charitable Solicitation Licensure Act.

Senator Speed offers Amendment No. 1 which is adopted.

Senator Wright offers Amendment No. 2 which is adopted.

The Committee Substitute bill, as amended, passes its second reading.

On objection of Senator Thomas of Craven to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for further consideration.

S. B. 549, Committee Substitute for **S. B. 549**, a bill to eliminate the common law requirement that a deed must be sealed to be valid, upon third reading.

The Committee Substitute bill passes its third reading and is ordered sent to the House of Representatives.

S. B. 583, Committee Substitute for **S. B. 583**, a bill to tax lessees and users of cropland or forestland owned by the United States, the State or its political subdivisions and used by the lessee or user in connection with a business conducted for profit, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Noble, Palmer, Rauch, Raynor, Redman, Smith, Soles, Speed, Swain, Thomas of Craven, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 47.

The Committee Substitute bill is ordered sent to the House of Representatives.

S. B. 617, a bill to provide changes in the valuation and nonforfeiture standards of the benefit certificates of fraternal benefit societies and to delete the five thousand dollar nonmedical examination limitation.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 622, a bill to allow sanitary districts to provide rescue services, and levy a tax therefor, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 2, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Noble, Palmer, Rauch, Raynor, Redman, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 45.

Voting in the negative: Senators Jernigan and Smith — 2.

The bill remains on the Calendar upon third reading.

S. B. 623, a bill to amend Chapter 58, Article 22, of the General Statutes relating to nonforfeiture benefits of life insurance policies and reserve valuation standards for life insurance policies and annuity contracts.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 630, a bill to amend the Mecklenburg County Sales and Use Tax Act and to authorize the levy of an additional one percent sales and use tax in Mecklenburg County, upon second reading.

On motion of Senator Lawing, Committee Amendment No. 1 is adopted, changing the title to read **S. B. 630**, a bill to amend the Mecklenburg County Sales and Use Tax Act.

The bill, as amended, passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Baker, Ballenger, Boger, Cavanagh, Clarke, Cockerham, Creech, Duncan, Frye, Garrison, Gray, Hardison, Harris, Jenkins, Jernigan, Johnson, Jordan, Lawing, Marion, Marvin, Mathis, McDuffie, Noble, Palmer, Rauch, Raynor, Redman, Smith, Soles, Speed, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 41.

The bill, as amended, remains on the Calendar upon third reading.

S. B. 633, Committee Substitute for **S. B. 633**, a bill regarding deposit of funeral and burial trust funds.

Without objection, the following Senator is excused from voting for the stated reason: Senator Wynne: "Possible conflict of interest."

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 637, a bill to increase fees to be paid to the State Licensing Board for General contractors.

Senator Cockerham offers Amendment No. 1 which fails of adoption.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 660, a bill authorizing the Town of Beaufort to regulate navigable waters within its boundaries.

On motion of Senator Thomas of Craven, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 672, a bill to make trial evidence rules apply to depositions and interrogatories.

The bill passes its second reading.

On objection of Senator McDuffie to its third reading, the bill remains on the Calendar for further consideration.

S. B. 673, a bill to increase the allowable number of trustees of Rex Hospital and to alter the method of appointment of said trustees.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 674, a bill to add the Town of Marshall to Chapter 1190, Session Laws of 1979.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 683, a bill to provide for payment of the cost of elections on the question of formation of a new municipality or special district.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 685, a bill to require consent of the Franklin County Board of Commissioners before land in that County may be condemned or acquired by a unit of local government outside Franklin County.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H. B. 169, Committee Substitute No. 3 for **H. B. 169**, a bill to provide that when vacancies occur in the offices of county commissioner, sheriff, register of deeds, coroner, or partisan school board races, the appointing board or person must appoint the person recommended by the political party executive committee of the vacating officer, and by requiring a district bar to nominate candidates for district court judges of the same party of the vacating judge.

On motion of Senator Swain, consideration of the Committee Substitute bill No. 3 is postponed until Wednesday, June 24.

H. B. 279, Committee Substitute for **H. B. 279**, a bill to amend Chapter 88 of the General Statutes pertaining to the practice of cosmetic art, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, McDuffie, Noble, Palmer, Rauch, Raynor, Redman, Smith, Soles, Speed, Swain, Thomas of Craven, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 46.

The Committee Substitute bill is ordered enrolled.

H. B. 283, Committee Substitute for **H. B. 283**, a bill to amend Chapter 90A, Article 2, concerning certification of water treatment facility operators, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Noble, Palmer, Rauch, Raynor, Redman, Smith, Soles, Speed, Swain, Thomas of Craven, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 47.

The Committee Substitute bill is ordered enrolled.

H. B. 377, Senate Committee Substitute for **H. B. 377**, a bill to adopt a comparative fault system.

Senator Barnes calls the previous question, duly seconded. The call is sustained.

The Senate Committee Substitute bill fails to pass its second reading.

Senator Rauch moves that the vote by which the Senate Committee Substitute bill failed to pass its second reading be reconsidered, and that that motion do lie upon the table. The motion prevails and the Senate Committee Substitute bill lies upon the table.

H. B. 405, Committee Substitute for **H. B. 405**, a bill to establish effective procedures to enable certain elderly persons in need of care to stay at home and to provide the in-home services necessary to care for them.

The Committee Substitute bill passes its second reading.

On objection of Senator Hardison to its third reading, the Committee Substitute bill remains on the Calendar for further consideration.

H. B. 588, a bill to authorize boards and special boards of equalization and review to compromise, settle or adjust taxes after discovery under G. S. 105-312.

The bill passes its second and third readings and is ordered enrolled.

H. B. 611, Senate Committee Substitute for **H. B. 611**, a bill to revise the penalties for desecration of cemeteries and graves, as recommended by the Abandoned Cemeteries Study Committee, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Noble, Palmer, Rauch, Raynor, Redman, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 48.

The Senate Committee Substitute bill remains on the Calendar upon third reading.

H. B. 619, a bill to amend the Charter of the City of Wilmington concerning claims against the City.

The bill passes its second and third readings and is ordered enrolled.

H. B. 675, Committee Substitute for **H. B. 675**, a bill to allow the Secretary of Human Resources to suspend the authority of a nursing home or home for the aged to admit patients or residents where the conditions at the home are detrimental to health or safety.

On motion of Senator Harris, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 695, Committee Substitute for **H. B. 695**, a bill to study and regulate the practice of midwifery in North Carolina, as amended, upon third reading.

Senator Frye offers Amendment No. 2 which is adopted.

The Committee Substitute bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

H. B. 698, Committee Substitute for **H. B. 698**, a bill to allow the City of Marion to submit plans for water and sewer improvements without the seal of a registered professional engineer.

On motion of Senator Thomas of Henderson, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 719, a bill to amend the North Carolina Securities Act to provide an alternative method of registering securities dealers and salesmen and to make other changes.

The bill passes its second and third readings and is ordered enrolled.

H. B. 734, a bill to amend the act relative to the title to the land built up and constructed in the Town of Wrightsville Beach.

The bill passes its second and third readings and is ordered enrolled.

H. B. 942, a bill to amend the law governing the North Carolina Board of Mortuary Science, upon third reading.

The bill passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Noble, Palmer, Rauch, Raynor, Redman, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 47.

The bill is ordered enrolled.

H. B. 947, Committee Substitute for **H. B. 947**, a bill to allow the traditional general law definition of just compensation in condemnation of privately owned public utilities by repealing G. S. 40-7.1 which limits such compensation.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 976, Committee Substitute for **H. B. 976**, a bill concerning the nomination of unaffiliated candidates by petition, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Noble, Palmer, Raynor, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 44.

The Committee Substitute bill remains on the Calendar upon third reading.

H. B. 977, Committee Substitute for **H. B. 977**, a bill to require that in counties having fifteen or more precincts, two special registration commissioners shall be appointed, one each from the two major political parties.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 994, a bill to prohibit conflicts of interest by officers and employees administering the State medical assistance plan, upon second reading.

On motion of Senator Allsbrook, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan,

Kincaid, Lawing, Marion, Marvin, McDuffie, Noble, Palmer, Rauch, Raynor, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 46.

The bill, as amended, remains on the Calendar upon third reading.

H. B. 1030, a bill to authorize controlled harvest of antlerless deer in areas of overpopulation, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Noble, Palmer, Rauch, Raynor, Redman, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 48.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1031, Committee Substitute for **H. B. 1031**, a bill to make technical changes in license provisions administered by the North Carolina Wildlife Resources Commission, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Noble, Palmer, Rauch, Raynor, Redman, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 48.

The Committee Substitute bill is ordered enrolled.

H. B. 1039, a bill to allow sanitary districts to dispose of property under the same procedures as cities.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1043, a bill to amend Chapter 721 of the 1979 Session Laws relating to hunting with rifles in certain townships of Moore County, subject to a referendum.

On motion of Senator Thomas of Craven, the bill is re-referred to the **Local Government and Regional Affairs Committee**.

H. B. 1094, a bill to repeal the inventory and stamp requirements for beer and wine sales to military reservations.

On motion of Senator Lawing, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1105, a bill to amend Chapter 282 of the 1981 Session Laws to clarify when one savings and loan association may merge with another, as amended.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1158, a bill to justify use of paper ballots for write-in votes in precincts where mechanical voting machines are used.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1177, a bill to repeal procedural restrictions on sale of water by Buncombe County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1181, a bill to allow Union County to collect utility bills as if they were taxes due the County, upon second reading.

The bill passes its second reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Boger, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Noble, Palmer, Rauch, Raynor, Redman, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, and Wynne — 37.

The bill remains on the Calendar upon third reading.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 383, an act to make rulemaking and hearings provisions in human resources legislation consistent with the Administrative Procedure Act.

H. B. 73, Senate Committee Substitute for Committee Substitute for **H. B. 73**, an act to amend G. S. 50-13.4 to make the father and the mother primarily liable for support.

H. B. 749, Committee Substitute for **H. B. 749**, an act to adopt a "Model Ridesharing Law" and to amend the Wage and Hour Law, motor vehicles, taxation and taxi regulations to promote public and private ridesharing arrangements.

H. B. 879, an act to clarify and update the Weights and Measures Act of 1975.

H. B. 882, an act to amend the Charter of the City of Winston-Salem by adding provisions relating to fair housing.

H. B. 979, an act to include custodial employees of the Department of Correction in the provisions for community college and technical institute tuition waiver.

H. B. 1019, an act to regulate rental referral agencies.

H. B. 1025, an act to amend the Marital and Family Therapy Certification Act.

H. B. 1048, an act to amend Chapter 157 of the 1981 Session Laws to permit community colleges to deposit funds in savings and loan associations.

On motion of Senator Lawing, seconded by Senator Royall, the Senate adjourns to meet tomorrow at 10:15 A.M.

ONE HUNDRED TWELFTH DAY

SENATE CHAMBER,
Friday, June 19, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, as we approach the end of yet another week, we are once more thankful to You for that which You have enabled us to accomplish, and pray that what we have done with our time in this week has indeed been Your will. For what we have done that has not been Your will, we ask Your forgiveness and Your wisdom to discover a better way. Bless and be with those who will be travelling, keeping them safe beneath Your everlasting wings. Help us all to find the rest and refreshment we need in worship and recreation that we may return to our tasks on Monday with renewed energy and a spirit to accomplish Your will. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants a leave of absence to Senator McDuffie for today. Leaves of absence previously granted to Senators Mathis and Mills are noted.

RECALLED FROM THE HOUSE OF REPRESENTATIVES

H. B. 695, Committee Substitute for **H. B. 695**, a bill to study and regulate the practice of midwifery in North Carolina.

Senator Frye moves that the Committee Substitute bill be recalled from the House of Representatives and placed on the Calendar for further consideration, which motion prevails.

Pursuant to Rule 59, the Chair orders the Committee Substitute bill taken from the Principal Clerk's Office and placed on the Calendar for today.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Rauch, Vice-Chairman, for Senator Duncan for the **Finance Committee**:

S. B. 555, a bill to allow counties to abate public health nuisances, with a favorable report, as amended.

S. B. 636, a bill to clarify G. S. 105-277.4(c) with regard to payment of property taxes upon disqualification of land used for agricultural or horticultural purposes, with a favorable report.

H. B. 662, Committee Substitute for **H. B. 662**, a bill to provide for a uniform municipal license tax ceiling on motor vehicles, with an unfavorable report.

H. B. 895, a bill to set higher maximum fees collectable by the Board of Barber Examiners, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Rauch, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, June 22.

H. B. 923, a bill to allow the Department of Cultural Resources to charge certain fees with the approval of the Historical Commission, with a favorable report, as amended.

H. B. 1067, a bill to permit the Medical Board and the Nursing Board to set certain fees, with a favorable report.

By Senator Harris for the **Human Resources Committee**:

H. B. 750, a bill to amend G. S. 143B-153 to require the Social Services Commission to establish standards and adopt rules and regulations for payment of State funds to private child-caring institutions, with a favorable report.

H. B. 969, a bill to amend the Nursing Home Administrator Act, with a favorable report, as amended.

H. B. 1018, a bill to authorize physician extenders to perform physical examinations of prison inmates, with a favorable report, as amended.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Speed:

S. J. R. 697, a joint resolution authorizing the Legislative Research Commission to study providing teachers with duty-free periods and the need for and the costs of providing such periods.

Referred to **Appropriations Committee**.

By Senator Barnes:

S. B. 698, a bill to codify the rules of evidence.

Referred to **State Government Committee**.

By Senators Soles and White:

S. B. 699, a bill to amend the structural pest control act to clarify the jurisdiction of the superior and district courts for violations of the act.

Referred to **Agriculture Committee**.

By Senators Hardison, Royall, Harris, Harrington, and Smith:

S. B. 700, a bill to transfer the functions of the Controller of the State Board of Education to the Office of State Budget and Management.

Referred to **Appropriations Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 554, a bill to increase the gasoline tax, the special fuels tax, and the tax on carriers using fuels purchased outside the State; to increase Powell Bill funds for municipalities; to provide for construction of secondary roads; to provide a motor fuel tax refund; to transfer sales and use taxes on motor vehicle parts, accessories and lubricants to the Highway Fund; to increase motor vehicles fees; to increase the registration fees on property hauling vehicles; and to establish fees for oversize and overweight vehicles, for concurrence in House Amendments No. 1, 2, 3, 6, and 7.

On motion of Senator Harrington, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

Senator Harrington moves that the Senate do not concur in the House Amendments, and further moves that the President appoint conferees, which motions prevail.

The President appoints Senators Harrington, Chairman; Royall, Lawing, Hardison, Noble, Redman, and Jordan, as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H. B. 748, Committee Substitute for **H. B. 748**, a bill regulating the purchase, or exchange of supplies, equipment and materials by local boards of education in certain counties.

Referred to **Judiciary II Committee**.

H. B. 944, Committee Substitute for **H. B. 944**, a bill to include consideration of personal property transfers in determining Medicaid and special assistance eligibility.

Referred to **Human Resources Committee**.

H. B. 1059, Committee Substitute for **H. B. 1059**, a bill to amend Chapter 143 of the General Statutes of North Carolina to create the North Carolina Manufactured Housing Board and to provide for the licensing and regulation of the manufactured housing industry.

Referred to **Insurance Committee**.

H. B. 1179, a bill to authorize the Town of Lillington Board of Alcoholic Control to dispose of a reserve accumulated for the purpose of alcoholic education and rehabilitation.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 1205, a bill to authorize the Onslow County Board of Education to convey certain property at private sale to Coastal Enterprises of Jacksonville, Inc.

Referred to **Local Government and Regional Affairs Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

(Senator Lawing presides over a portion of today's Session.)

S. B. 54, Committee Substitute for **S. B. 54**, a bill to permit the creation of a supplemental retirement plan for certain policemen of the City of Asheville at such time as members of the Asheville Policemen's Pension and Disability Fund elect to participate in the North Carolina Local Governmental Employees' Retirement System.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 120, House Committee Substitute for **S. B. 120**, a bill to amend statutes of limitation concerning improvements to real property, for concurrence in the House Committee Substitute bill.

On motion of Senator Hardison, the Senate concurs in the House Committee Substitute bill and the bill is ordered enrolled.

S. B. 204, a bill to increase uniform jail fees.

On motion of Senator Cockerham, Committee Amendment No. 1 is adopted.

Senator Hardison, seconded by Senator Royall, moves that the bill, as amended, do lie upon the table, which motion prevails. The bill, as amended, lies upon the table.

S. B. 261, Committee Substitute for **S. B. 261**, a bill to limit the reduction in disability retirement allowances of gainfully employed disability retirees of the Law Enforcement Officers' Benefit and Retirement Fund.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 312, House Committee Substitute No. 2 for **S. B. 312**, a bill to prohibit the possession, whether openly or concealed, of any weapon while on any State property, for concurrence in House Committee Substitute bill No. 2.

On motion of Senator Barnes, the Senate concurs in the House Committee Substitute bill No. 2 and the bill is ordered enrolled.

S. B. 313, Committee Substitute for **S. B. 313**, a bill to establish senatorial districts and to apportion seats in the Senate among the districts, upon third reading.

The Committee Substitute bill passes its third reading and is ordered, without objection, sent to the House of Representatives by Special Messenger.

Upon motion of Senator White, the rules are suspended to allow Senators White, Soles, and Royall to be recorded voting "aye" on the second reading of the bill. (See Journal of Thursday, June 18.)

S. J. R. 324, Committee Substitute for **S. B. 324**, a joint resolution directing the Legislative Research Commission to re-examine present penalties and to study the expansion of district court jurisdiction to include an increased number of marijuana offenses.

The Committee Substitute joint resolution passes its second reading.

On motion of Senator Harris, the Committee Substitute joint resolution is re-referred to the **Rules and Operation of the Senate Committee**.

S. B. 416, a bill to amend the North Carolina Health Planning and Resource Development Act of 1978, for concurrence in House Amendment No. 1.

On motion of Senator Jenkins, the Senate concurs in House Amendment No. 1 and the bill is ordered enrolled.

S. B. 539, Committee Substitute for **S. B. 539**, a bill to create the Charitable Solicitation Licensure Act, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives.

S. B. 622, a bill to allow sanitary districts to provide rescue services, and levy a tax therefor, upon third reading.

The bill passes its third reading by roll-call vote, ayes 37, noes 5, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marvin, Palmer, Rauch, Royall, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 37.

Voting in the negative: Senators Ballenger, Barnes, Boger, Jernigan, and Smith — 5.

The bill is ordered sent to the House of Representatives.

S. B. 630, a bill to amend the Mecklenburg County Sales and Use Tax Act and to authorize the levy of an additional one percent sales and use tax in Mecklenburg County, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Cockerham, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marvin, Palmer, Rauch, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, and White — 38.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S. B. 647, a bill to require an applicant for vehicle registration to certify that no delinquent property taxes are owed on the vehicle and that the vehicle has been listed for property taxes.

Senator Creech offers Amendment no. 1 which is adopted.

The bill, as amended, passes its second reading.

On objection of Senator Hancock to its third reading the bill, as amended, remains on the Calendar for further consideration.

S. B. 649, a bill to repeal radio microwave speed-measuring instrument procedures.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 652, a bill to make the records of the Industrial Commission open to the public.

On motion of Senator Jenkins, Committee Amendment No. 1 is adopted.

On motion of Senator Hardison, further consideration of the bill, as amended, is postponed until Wednesday, June 24.

S. B. 672, a bill to make trial evidence rules apply to depositions and interrogatories, upon third reading.

The bill passes its third reading and is ordered sent to the House of Representatives.

H. B. 294, Committee Substitute No. 2 for **H. B. 294**, a bill to amend Chapter 90, Article 12A, of the General Statutes relating to podiatrists, upon second reading.

The Committee Substitute bill No. 2 passes its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Marion, Palmer, Rauch, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 40.

The Committee Substitute bill No. 2 remains on the Calendar upon third reading.

H. B. 405, Committee Substitute for **H. B. 405**, a bill to establish effective procedures to enable certain elderly persons in need of care to stay at home and to provide the in-home services necessary to care for them, upon third reading.

On motion of Senator Rauch, consideration of the Committee Substitute bill is postponed until Monday, June 22.

H. B. 611, Senate Committee Substitute for **H. B. 611**, a bill to revise the penalties for desecration of cemeteries and graves, as recommended by the Abandoned Cemeteries Study Committee, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Marion, Marvin, Rauch, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 41.

The Senate Committee Substitute bill is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 695, Committee Substitute for **H. B. 695**, a bill to study and regulate the practice of midwifery in North Carolina.

Senator Frye moves that the vote by which the Committee Substitute bill, as amended, passed its third reading be reconsidered, which motion prevails.

Senator Frye offers Amendment No. 3, to amend Amendment No. 2, which is adopted.

The Committee Substitute bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1, No. 2, and No. 3.

H. B. 696, Committee Substitute for **H. B. 696**, a bill to permit a spouse to give testimony in a paternity action.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 883, Committee Substitute for **H. B. 883**, a bill to exempt certain nonhazardous small jobs from city and county building inspection.

On motion of Senator Johnson, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 897, a bill to raise the threshold amount of construction, repair, or supply purchase contracts for which informal bids are required.

On motion of Senator Barnes, consideration of the bill is postponed until Tuesday, June 23.

H. B. 976, Committee Substitute for **H. B. 976**, a bill concerning the nomination of unaffiliated candidates by petition, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Marion, Marvin, Palmer, Rauch, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 39.

The Committee Substitute bill is ordered enrolled.

H. B. 978, Committee Substitute for **H. B. 978**, a bill to provide that actions to contest the validity of a county zoning ordinance must be brought within nine months of adoption of the ordinance.

The Committee Substitute bill passes its second reading.

On objection of Senator Frye to its third reading the Committee Substitute bill remains on the Calendar for further consideration.

H. B. 983, a bill to require continuation and conversion privileges in group health insurance policies and plans.

On motion of Senator Jenkins, consideration of the bill is postponed until Monday, June 22.

H. B. 994, a bill to prohibit conflicts of interest by officers and employees administering the State medical assistance plan, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Marion, Marvin, Palmer, Rauch, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 40.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1015, a bill to repeal various provisions of Chapter 135 providing for the purchase of retirement service credits for non-State service for new members of the Teachers' and State Employees' Retirement System.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1032, a bill to change the classification for second degree murder and change the maximum sentence for Class C felonies, upon second reading.

The bill passes its second reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hardison, Harrington, Harris, Jenkins, Jernigan, Jordan, Kincaid, Marion, Marvin, Palmer, Rauch, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, and Wright — 37.

The bill remains on the Calendar upon third reading.

H. B. 1061, Committee Substitute for **H. B. 1061**, a bill to encourage appropriate window placement and solar energy systems to conserve energy in public school facilities.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 1073, Committee Substitute for **H. B. 1073**, a bill to permit school employees to choose to take annual leave or to make up days on which employees must report for work but pupils are not required to attend school due to inclement weather.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 1106, a bill to include local board of education within the definition of units of local government for the purpose of the Inter-Local Cooperation Act.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1155, a bill to allow the Parole Commission to parole and terminate an inmate.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1181, a bill to allow Union County to collect utility bills as if they were taxes due the County, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Cockerham, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Palmer, Rauch, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, and White — 38.

The bill is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 15, an act relating to sales and leases of real property by the Asheville City Council and Asheville Housing Authority.

S. B. 20, an act relating to the disposition of property by the City of Asheville at private sale or lease to further the purposes of urban development action grants.

S. B. 545, an act to update and improve the going out of business sale law.

H. B. 153, an act to amend the legislation dealing with the Game Commission of Currituck County to revise license fees, to provide for appeals from actions on hunting blind licenses to the district court, and to make other procedural changes.

H. B. 279, Committee Substitute for **H. B. 279**, an act to amend Chapter 88 of the General Statutes pertaining to the practice of cosmetic art.

H. B. 283, Committee Substitute for **H. B. 283**, an act to amend Chapter 90A, Article 2, concerning certification of water treatment facility operators.

H. B. 588, an act to authorize boards and special boards of equalization and review to compromise, settle or adjust taxes after discovery under G. S. 105-312.

H. B. 619, an act to amend the Charter of the City of Wilmington concerning claims against the City.

H. B. 719, an act to amend the North Carolina Securities Act to provide an alternative method of registering securities dealers and salesmen and to make other changes.

H. B. 725, an act to authorize Mecklenburg County to increase the size of its Board of Social Services.

H. B. 734, an act to amend the act relative to the title to the land built up and constructed in the Town of Wrightsville Beach.

H. B. 920, an act to amend the speedy trial law.

H. B. 942, an act to amend the law governing the North Carolina Board of Mortuary Science.

H. B. 947, Committee Substitute for **H. B. 947**, an act to allow the traditional general law definition of just compensation in condemnation of privately owned public utilities by repealing G. S. 40-7.1 which limits such compensation.

H. B. 977, Committee Substitute for **H. B. 977**, an act to require that in counties having fifteen or more precincts, two special registration commissioners shall be appointed, one each from the two major political parties.

H. B. 1031, Committee Substitute for **H. B. 1031**, an act to make technical changes in license provisions administered by the North Carolina Wildlife Resources Commission.

H. B. 1039, an act to allow sanitary districts to dispose of property under the same procedures as cities.

H. B. 1158, an act to justify use of paper ballots for write-in votes in precincts where mechanical voting machines are used.

H. B. 1177, an act to repeal procedural restrictions on sale of water by Buncombe County.

On motion of Senator Jenkins, seconded by Senator White, the Senate adjourns to meet Monday at 8:00 P.M.

ONE HUNDRED THIRTEENTH DAY

SENATE CHAMBER,
Monday, June 22, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Lord God, in this world are many powers that seek to hurt or destroy Your people. Make us strong to fight the racism, poverty, envy, hatred, greed, and warfare that work against the welfare and happiness of the human family. Help us to put on the strong defense of Your word, Your spirit, Your wisdom as we do battle in the public and private arenas of life. Remind us also that while the enemy may appear to come from the outside, we should never forget the words of Pogo, 'We have met the enemy, and he is us.' We acknowledge our own sin, O God, and pray that You will give us strength to overcome ourselves as we seek to be Your servants. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President extends courtesies of the gallery to family and friends of the late Dr. English E. Jones, former Chancellor of Pembroke State University.

The President recognizes the following pages serving in the Senate this week: Anthony Anders, Independence, Virginia; David Wallace Bannister, Raleigh; Laura G. Boyce, Raleigh; Maria Anquette Carr, Trenton; Janet Lynn Chess, High Point; Rhonda Lynn Chewning, Watha; Katharine Alice Dunn, Cary; Ellen Marie Henry, Kelly; Laura Rose Lancaster, Vanceboro; Chris Mace, Sanford; Theresa Moore, Salisbury; Mary Morgan, Lillington; Sylvanna Nieves, Vanceboro; Tony Decarlies Palmer, Sanford; Robert Alf Pleasants, Cary; Deborah Ann Reinhold, Holly Ridge; Karen Annette Roper, Kings Mountain; Robert Thomas Sonnenberg, Raleigh; Howell Stoner, Lexington; Mary Victoria Taylor, Greensboro; Robert Christopher Walters, Wytheville, Virginia; Anne York Wilson, Raleigh; Mark Allison Woody, Morganton; and Jeffrey Wynn, Lumberton.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S. B. 554

House of Representatives
June 19, 1981

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Amendment to S. B. 554, a bill to be entitled an act to increase the gasoline tax, the special fuels tax, and the tax on carriers using fuels purchased outside the State; to increase Powell Bill funds for municipalities; to provide for construction of secondary roads; to provide a motor fuel tax refund; to transfer sales and use taxes on motor vehicle parts, accessories and lubricants to the Highway Fund; to increase motor

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vehicles fees; to increase the registration fees on property hauling vehicles; and to establish fees for oversize and overweight vehicles, the Speaker has appointed as conferees on the part of the House, Representatives Watkins, Chairman, Quinn, Barbee, Adams, Tennille, Plyler, and Bruce Ethridge to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
GRACE COLLINS
Principal Clerk

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Ward:

S. B. 701, a bill to create a joint dropout follow-up program between the State Boards of Education and Community Colleges and to appropriate funds for implementation.

Referred to **Appropriations Committee**.

By Senators Hancock, Royall, Marvin, Jordan, Daniels, McDuffie, Lawing, Hardison, Duncan, Walker, Warren, Ward, Soles, Gray, Wynne, Creech, Johnson, Thomas of Craven, Palmer, Smith, Thomas of Henderson, Alford, Allsbrook, Vickery, Rauch, Swain, Barnes, Clarke, Speed, White, Harris, Noble, Jenkins, Ballenger, Boger, Mathis, and Raynor:

S. R. 702, a Senate resolution directing the Joint Legislative Commission on Governmental Operations to monitor and study the operations of the Department of Transportation.

On motion of Senator Hancock, the rules are suspended and the resolution is placed on the Calendar for tomorrow, June 23 for adoption.

By Senators Hancock and Royall:

S. B. 703, a bill to amend the membership of the North Carolina Council for the Hearing Impaired.

Referred to **Human Resources Committee**.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H. B. 1050, Committee Substitute for **H. B. 1050**, a bill to regulate the practice of pharmacy.

Referred to **Small Business Committee**.

H. J. R. 1203, a joint resolution honoring the life and memory of Dr. English E. Jones.

On motion of Senator Noble, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered enrolled.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 40, House Committee Substitute No. 2 for Committee Substitute for **S. B. 40**, a bill to provide punishments for assaults upon handicapped or aged persons, for concurrence in the House Committee Substitute bill No. 2, which is placed on the Calendar for tomorrow, June 23.

S. B. 50, a bill to place the phrase "First in Flight" and a representation of the Wright Brothers' airplane on registration plates, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, June 23.

S. B. 391, Committee Substitute for **S. B. 391**, a bill to repeal and amend sections of the Wage and Hour Act, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, June 23.

S. B. 396, Committee Substitute for **S. B. 396**, a bill to increase the punishment for stealing horses, mules, swine, and cattle, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, June 23.

H. B. 21, Committee Substitute for **H. B. 21**, a bill to make shooting into an occupied building with certain barreled weapons a felony.

Referred to **State Government Committee**.

H. B. 243, Committee Substitute No. 2 for **H. B. 243**, a bill to amend the Juvenile Code to include prostitution within the definition of child abuse and to amend G. S. 7A-549 as it provides for physicians' authority to take emergency custody of and protect abused children.

Referred to **Judiciary II Committee**.

H. B. 288, Committee Substitute for **H. B. 288**, a bill to amend Chapter 84 of the General Statutes of North Carolina relating to the North Carolina State Bar and to remove Article 4 of that Chapter from the automatic termination provisions of G. S. 143-34.12.

Referred to **State Government Committee**.

H. B. 415, Committee Substitute for **H. B. 415**, a bill to apportion the districts of the North Carolina House of Representatives.

Referred to **Redistricting - Senate Committee**.

H. B. 534, a bill to prevent political committees which have received out-of-state contributions from donating funds to any candidate or political committee.

Referred to **Election Laws Committee**.

H. B. 887, Committee Substitute for **H. B. 887**, a bill to authorize the North Carolina Utilities Commission when appearing before federal courts and agencies in matters relating to the wholesale rate for natural gas to employ attorneys and expert witnesses and assess gas distribution companies the cost thereof.

Referred to **Public Utilities and Energy Committee**.

H. B. 952, a bill to insure that finance charges or interest is imposed only on the past-due balance of credit card accounts.

Referred to **Banking Committee**.

H. B. 1087, a bill limiting the fox hunting season in Wayne County.
Referred to **Natural and Economic Resources and Wildlife Committee**.

H. B. 1111, a bill to prohibit discovery and admissibility of actions of medical review committee meetings.
Referred to **Judiciary I Committee**.

H. J. R. 1140, a joint resolution directing a study of the feasibility and desirability of combining annual vehicle inspection with annual vehicle registration.
Referred to **Rules and Operation of the Senate Committee**.

H. B. 1146, Committee Substitute for **H. B. 1146**, a bill to provide for release of nonidentifying adoption information.
Referred to **Judiciary III Committee**.

H. B. 1150, a bill to limit the projection of service credit for disability benefits in the Local Governmental Employees' Retirement System, the Teachers' and State Employees' Retirement System, the Uniform Judicial Retirement System and the Law Enforcement Officers' Benefit and Retirement Fund.
Referred to **Pensions and Retirement Committee**.

H. B. 1152, a bill regarding the award of attorneys' fees in caveat proceedings which have substantial merit.
Referred to **Judiciary I Committee**.

H. B. 1168, a bill to make clear that the State may be either a third party plaintiff or defendant in certain actions.
Referred to **Judiciary I Committee**.

H. B. 1197, a bill to clarify the provisions of G. S. 115C-316 regarding salary and vacation of certain school employees.
Referred to **Education Committee**.

H. B. 1199, a bill to amend G. S. 115C-325 to provide for reduction in force of school employees due to lack of funds.
Referred to **Education Committee**.

H. B. 1201, a bill to provide for the severability of the provisions of redistricting acts of the General Assembly.
Referred to **Rules and Operation of the Senate Committee**.

H. B. 1204, Committee Substitute for **H. B. 1204**, a bill to define "counterfeit controlled substance" in the North Carolina Controlled Substances Act.
Referred to **Judiciary II Committee**.

H. B. 1210, Committee Substitute for **H. B. 1210**, a bill to create the Commission of Agriculture Awareness.
Referred to **Agriculture Committee**.

H. B. 1220, Committee Substitute for **H. B. 1220**, a bill to amend the liquor taxation statutes to conform to the revision of the alcoholic beverage control laws enacted by Chapter 412 of the 1981 Session Laws, and to make technical and clarifying changes to Chapter 412.
Referred to **Finance Committee**.

H. B. 1233, a bill to amend the Emergency Services Act of 1973 relating to administration of epinephrine by trained lay persons in emergency situations caused by insect stings.

Referred to **Human Resources Committee**.

H. B. 1242, a bill to authorize the City Board of Alcoholic Control of the City of Lenoir to contract with the City of Lenoir to provide law enforcement of the liquor laws.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 1248, a bill to modify public school residence requirements for a person who resides in a place that is not his domicile either because his parent or guardian is a college or university student, employee or faculty member, or because he is in a group home.

Referred to **Higher Education Committee**.

H. J. R. 1251, a joint resolution directing the North Carolina Courts Commission to study the current boundaries of the State's judicial divisions, judicial districts, prosecutorial districts, and the personnel needs of the judicial and prosecutorial districts and report on the necessity or desirability of changes therein to the 1983 Session of the General Assembly.

Referred to **Rules and Operation of the Senate Committee**.

H. B. 1253, a bill to provide an extended deadline for creation for fiscal year 1981-82 of a municipal service district for beach erosion control or flood or hurricane protection.

Referred to **Natural and Economic Resources and Wildlife Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

(Senator Lawing presides over a portion of today's Session.)

SPECIAL ORDER NO. 1

S. B. 87

The hour having arrived for the consideration of Special Order No. 1, the President of the Senate lays before the Senate Special Order No. 1, it being **S. B. 87**, Committee Substitute No. 2 for **S. B. 87**, a bill to divide North Carolina into eleven Congressional Districts.

The Committee Substitute bill No. 2 passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger.

S. J. R. 468, Committee Substitute for **S. B. 468**, a joint resolution urging all managers with the State of North Carolina responsible for clerical personnel to give preference to certified professional secretaries for promotions and pay increases.

On motion of Senator Barnes, the Committee Substitute joint resolution is re-referred to the **Appropriations Committee**.

S. B. 502, Committee Substitute No. 2 for **S. B. 502**, a bill setting forth duties of skiers and ski area operators and limitations thereof.

Senator Kincaid offers Amendment No. 1 which is adopted.

The Committee Substitute bill No. 2, as amended, passes its second reading.

Senator Swain objects to the third reading of the Committee Substitute bill No. 2, as amended.

Senator Marion offers a motion that the Committee Substitute bill No. 2, as amended, remain before the Senate for consideration upon third reading, which motion fails to prevail for lack of a two-thirds majority affirmative vote.

The Committee Substitute bill No. 2, as amended, remains on the Calendar for tomorrow upon third reading.

S. B. 555, a bill to allow counties to abate public health nuisances, as amended, upon second reading.

On motion of Senator White, Committee Amendment No. 2 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Harrington, Harris, Jenkins, Jernigan, Johnson, Kincaid, Lawing, Marion, Marvin, Mathis, Noble, Palmer, Rauch, Raynor, Redman, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 44.

The bill, as amended, remains on the Calendar upon third reading.

S. B. 636, a bill to clarify G. S. 105-277.4(c) with regard to payment of property taxes upon disqualification of land used for agricultural or horticultural purposes.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 647, a bill to require an applicant for vehicle registration to certify that no delinquent property taxes are owed on the vehicle and that the vehicle has been listed for property taxes, as amended, upon third reading.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives.

H. B. 294, Committee Substitute No. 2 for **H. B. 294**, a bill to amend Chapter 90, Article 12A, of the General Statutes relating to podiatrists, upon third reading.

The Committee Substitute bill No. 2 passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 46.

The Committee Substitute bill No. 2 is ordered enrolled.

H. B. 405, Committee Substitute for **H. B. 405**, a bill to establish effective procedures to enable certain elderly persons in need of care to stay at home and to provide the in-home services necessary to care for them, upon third reading.

On motion of Senator Harris, consideration of the Committee Substitute bill is postponed until Wednesday, June 24.

H. B. 750, a bill to amend G. S. 143B-153 to require the Social Services Commission to establish standards and adopt rules and regulations for payment of State funds to private child-caring institutions.

The bill passes its second reading.

On objection of Senator Wright to its third reading, the bill remains on the Calendar for further consideration.

H. B. 895, Senate Committee Substitute for **H. B. 895**, a bill to set higher maximum fees collectable by the Board of Barber Examiners, upon second reading.

Senator Rauch offers Amendment No. 1 which is adopted.

The Senate Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 34, noes 9, as follows:

Voting in the affirmative: Senators Allred, Allsbrook, Baker, Cavanagh, Clarke, Cockerham, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Jernigan, Kincaid, Lawing, Marion, Marvin, Mathis, Noble, Palmer, Rauch, Raynor, Redman, Smith, Swain, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wright — 34.

Voting in the negative: Senators Alford, Ballenger, Barnes, Boger, Harris, Jenkins, Johnson, Speed, and Thomas of Craven — 9.

The Senate Committee Substitute bill, as amended, remains on the Calendar upon third reading.

H. B. 898, Senate Committee Substitute for **H. B. 898**, a bill to raise the threshold amount of purchases of supplies and equipment for which formal advertisement for bids is required, and to repeal prior local acts.

On motion of Senator Barnes, consideration of the Senate Committee Substitute bill is postponed until Tuesday, June 23.

H. B. 923, a bill to allow the Department of Cultural Resources to charge certain fees with the approval of the Historical Commission, upon second reading.

On motion of Senator Royall, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Kincaid, Marion, Marvin, Mathis, Noble, Palmer, Rauch, Raynor, Redman, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 42.

The bill, as amended, remains on the Calendar upon third reading.

H. B. 969, a bill to amend the Nursing Home Administrator Act.

On motion of Senator Harris, Committee Amendment No. 1 is adopted.

Without objection, the Chair directs that the bill, as amended, be placed on the Calendar for Tuesday, June 23, with copies of Committee Amendment No. 1 made available to the membership.

H. B. 978, Committee Substitute for **H. B. 978**, a bill to provide that actions to contest the validity of a county zoning ordinance must be brought within nine months of adoption of the ordinance, upon third reading.

Senator Frye offers Amendment No. 1 which is adopted.

The Committee Substitute bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 983, a bill to require continuation and conversion privileges in group health insurance policies and plans.

On motion of Senator Mathis, Committee Amendments No. 1 and No. 2 are adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

H. B. 1018, a bill to authorize physician extenders to perform physical examinations of prison inmates.

On motion of Senator Harris, Committee Amendment No. 1 is adopted.

Without objection, the following Senator is excused from voting for the stated reason: Senator Cavanagh: "Possible conflict of interest."

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1032, a bill to change the classification for second degree murder and change the maximum sentence for Class C felonies, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, Noble, Palmer, Rauch, Redman, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Warren, White, Wright, and Wynne — 44.

The bill is ordered enrolled.

H. B. 1067, a bill to permit the Medical Board and the Nursing Board to set certain fees, upon second reading.

The bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Johnson, Kincaid, Marion, Marvin, Mathis, Mills, Noble, Palmer, Rauch, Raynor, Redman, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 43.

The bill remains on the Calendar upon third reading.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 120, House Committee Substitute for **S. B. 120**, an act to amend statutes of limitation concerning improvements to real property.

S. B. 306, an act to provide for requesting and giving notice of a second primary.

S. B. 312, House Committee Substitute No. 2 for **S. B. 312**, an act to prohibit the possession, whether openly or concealed, of any weapon while on any State property.

S. B. 416, an act to amend the North Carolina Health Planning and Resource Development Act of 1978.

S. B. 486, an act relating to the Winston-Salem Firemen's Retirement Fund Association.

S. B. 541, an act making flight after committing murder an aggravating factor for the purpose of imposing capital punishment.

S. B. 559, an act to encourage gifts of historic properties to certain charitable entities by permitting income tax deductions therefor.

S. B. 561, an act to enable the City of Gastonia to establish an Airport Authority for the maintenance and operation of airport facilities in Gaston County.

S. B. 565, an act to amend the law pertaining to adoption of adults.

S. B. 587, an act to continue the North Carolina Environmental Policy Act of 1971.

S. B. 598, an act to redefine the electoral districts of the City of Lumberton, and to validate all elections and actions of that City.

S. B. 611, an act to exempt certain governmental employees from certain of the license requirements previously established for practicing psychologists.

S. B. 612, an act to require counties that provide voters' lists from computers to make discs or tapes available to State political parties.

S. B. 613, an act to revise and consolidate the Charter of the Town of Hope Mills and to repeal prior local acts.

S. B. 615, an act to allow sanitary districts to contract with incorporated nonprofit volunteer or community fire departments for fire protection.

H. B. 696, Committee Substitute for **H. B. 696**, an act to permit a spouse to give testimony in a paternity action.

H. B. 821, Senate Committee Substitute for **H. B. 821**, an act to clarify the authority of the Department of Human Resources to operate the North Carolina School for the Deaf at Morganton and the Eastern North Carolina School for the Deaf at Wilson.

H. B. 976, Committee Substitute for **H. B. 976**, an act concerning the nomination of unaffiliated candidates by petition.

H. B. 1015, an act to repeal various provisions of Chapter 135 providing for the purchase of retirement service credits for non-State service for new members of the Teachers' and State Employees' Retirement System.

H. B. 1061, Committee Substitute for **H. B. 1061**, an act to encourage appropriate window placement and solar energy systems to conserve energy in public school facilities.

H. B. 1073, Committee Substitute for **H. B. 1073**, an act to permit school employees to choose to take annual leave or to make up days on which employees must report for work but pupils are not required to attend school due to inclement weather.

H. B. 1084, an act to extinguish certain liens on fruits and vegetables sold at auction.

H. B. 1106, an act to include local board of education within the definition of units of local government for the purpose of the Inter-Local Cooperation Act.

H. B. 1155, an act to allow the Parole Commission to parole and terminate an inmate.

H. B. 1181, an act to allow Union County to collect utility bills as if they were taxes due the County.

On motion of Senator Lawing, seconded by Senator Mathis, the Senate adjourns to meet tomorrow at 1:30 P.M.

ONE HUNDRED FOURTEENTH DAY

SENATE CHAMBER,
Tuesday, June 23, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Father in Heaven, we are assembled here as a collection of individuals, each with his or her own agenda about what is best for the people of our State. Give us grace to overcome self, and to find our highest joy in pursuing the common good. Give us wisdom to discover Your will amid the conflicting claims that surround us. Give us patience to wait upon Your word rather than jumping to hasty conclusions. Give us understanding when others do not recognize our greater wisdom. Give us courage to admit when we are wrong, and humility not to boast when we are right. Above all, give us an abiding sense of Your presence with us here as we seek to be about Your business. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants a leave of absence to Senator Vickery for today.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator White for the **Agriculture Committee**:

S. B. 699, a bill to amend the Structural Pest Control Act to clarify the jurisdiction of the superior and district courts for violations of the act, with a favorable report.

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H. J. R. 1117, a joint resolution urging the Congress of the United States to oppose the deregulation of the peanut growing industry, with a favorable report.

On motion of Senator White, the joint resolution is re-referred to the **Rules and Operation of the Senate Committee**.

By Senator Noble for the **Alcoholic Beverage Control Committee**:

S. B. 191, a bill to allow New Hanover County and municipalities in that County to prohibit or regulate the possession and consumption of beer and wine, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Noble, the rules are suspended and the Committee Substitute bill, which changes the title to read **S. B. 191**, Committee Substitute for **S. B. 191**, a bill to allow certain counties and municipalities to prohibit or regulate the possession and consumption of beer and wine, is placed before the Senate for immediate consideration.

On motion of Senator Noble, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Wednesday, June 24.

H. B. 1186, a bill to require prices of all mixed beverages to be printed, with a favorable report, as amended.

By Senator Mills for the **Banking Committee**:

S. B. 603, a bill to exempt banks and savings and loan associations acting as personal representatives in the probate of estates from voucher requirements, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Mills, the rules are suspended and the Committee Substitute bill, which changes the title to read **S. B. 603**, Committee Substitute for **S. B. 603**, a bill to allow personal representatives in the probate of estates to use vouchers or other verified proof, is placed before the Senate for immediate consideration.

On motion of Senator Mills, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Wednesday, June 24.

By Senator Duncan for the **Finance Committee**:

H. B. 408, a bill to increase the fees for the use of the courtroom and related judicial facilities, with a favorable report.

H. B. 623, a bill to authorize counties to expend tax funds and exercise the power of eminent domain for purposes of public auditoriums, coliseums, and convention and civic centers and to otherwise authorize establishment and support of same, with a favorable report.

H. B. 684, a bill to authorize a corporate income tax credit for construction of an olive brick facility, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Duncan, the rules are suspended and the Senate Committee Substitute bill, which changes the title to read **H. B. 684**, Senate Committee Substitute for **H. B. 684**, a bill to provide income tax credits for expenditures for various alternative energy systems, is placed before the Senate for immediate consideration.

On motion of Senator Duncan, the Senate Committee Substitute bill is adopted, and on his further motion is re-referred to the **Ways and Means Committee**.

H. B. 743, a bill to provide for State agencies to charge certain user fees, with a favorable report.

H. B. 972, a bill to clarify the provisions of the Machinery Act on listing real property characteristics in preparation for revaluation, with a favorable report.

H. B. 1174, Committee Substitute for **H. B. 1174**, a bill to amend certain provisions of Chapter 159 relative to local government budget and fiscal control matters, with a favorable report.

H. B. 1220, Committee Substitute for **H. B. 1220**, a bill to amend the liquor taxation statutes to conform to the revision of the alcoholic beverage control laws enacted by Chapter 412 of the 1981 Session Laws, and to make technical and clarifying changes to Chapter 412, with a favorable report, as amended.

By Senator Harris for the **Human Resources Committee**:

H. B. 823, Committee Substitute for **H. B. 823**, a bill to establish a drug education program and to strengthen the laws against persons who possess controlled substances while allowing conditional discharge and expunction of records for first offense, with a favorable report.

On motion of Senator Harris, the Committee Substitute bill is re-referred to the **Appropriations Committee**.

By Senator Allsbrook for the **Judiciary I Committee**.

H. B. 1077, a bill to make various technical amendments to the General Statutes as recommended by the General Statutes Commission, with a favorable report.

H. B. 1132, a bill to prohibit dangerous weapons at parades, funeral processions, picket lines, and demonstrations, with a favorable report.

By Senator Soles for the **Judiciary II Committee**:

S. B. 573, a bill to establish the North Carolina Commission on Security and Privacy of Computerized Criminal History Record Information, with a favorable report, as amended.

S. B. 650, a bill to provide for service of notice of revocation of operators' licenses and vehicle registrations by mail or publication and to delete the requirement that pickup orders be served by law enforcement officers, with a favorable report.

H. B. 136, Committee Substitute for **H. B. 136**, a bill to regulate contractors, subcontractors, and suppliers in dealing with governmental agencies, and to make combinations in restraint of trade a felony, with a favorable report, as amended.

H. B. 1004, a bill to clarify the scope of judicial review of an advisory decision of the State Personnel Commission, with a favorable report.

H. B. 1151, a bill to have addresses added to judgment docket entries and to provide for timely entry of payment on the judgment docket, with a favorable report.

By Senator Creech for the **Judiciary III Committee**:

H. B. 1091, a bill to rewrite the criminal abandonment and nonsupport and bastardy statutes to eliminate sex discrimination in the duty of support, and to consolidate repetitive statutes and remove surplusage, with a favorable report.

By Senator Gray for the **Senior Citizens Affairs Committee**:

H. B. 1098, Committee Substitute for **H. B. 1098**, a bill to create a domiciliary home residents' bill of rights, with a favorable report, as amended.

By Senator Thomas of Henderson for the **Small Business Committee**:

S. B. 590, a bill to exclude gain from the sale of certain businesses from gross income, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Thomas of Henderson, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Thomas of Henderson, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Ways and Means Committee**.

By Senator Barnes for the **State Government Committee**:

S. B. 692, a bill to amend G. S. 143-34.12 so as to delay the repeal of the statutes on the 1981 sunset list from July 1, 1981, until July 31, 1981, with a favorable report, as amended.

On motion of Senator Barnes, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted. The bill, as amended, is ordered engrossed and re-referred to the **Finance Committee**.

H. B. 284, Committee Substitute for **H. B. 284**, a bill to amend Article 7 of Chapter 74 concerning the Mining Act of 1971, with a favorable report.

On motion of Senator Barnes, the Committee Substitute bill is re-referred to the **Finance Committee**.

H. B. 288, Committee Substitute for **H. B. 288**, a bill to amend Chapter 84 of the General Statutes of North Carolina relating to the North Carolina State Bar and to remove Article 4 of that chapter from the automatic termination provisions of G. S. 143-34.12, with a favorable report.

On motion of Senator Barnes, the Committee Substitute bill is re-referred to the **Finance Committee**.

H. B. 438, a bill to authorize members of occupational licensing boards to receive reimbursement for travel and subsistence expenses on the same basis as State boards and commissions, with a favorable report.

On motion of Senator Barnes, the bill is re-referred to the **Finance Committee**.

H. B. 999, Committee Substitute for **H. B. 999**, a bill to permit the towing of unauthorized vehicles parked on State-owned public grounds within the City of Raleigh under the control of the Department of Administration, with a favorable report.

H. B. 1110, a bill to include the Division of Forest Resources in the list of claimant agencies in the Setoff Debt Collection Act, with a favorable report.

H. B. 1129, a bill to correct technical errors in G. S. 141-7.1, with a favorable report, as amended.

CONFERENCE REPORT

H. B. 825

Senator Johnson, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H. B. 825**, a bill to eliminate the payment of regular interest in the return of accumulated contributions from the Teachers' and State Employees' Retirement System, Local Governmental Employees' Retirement System, Law Enforcement Officers' Benefit and Retirement Fund, and Uniform Judicial Retirement System except to members with five or more years of membership service, submits the following report:

To the President of the Senate and
the Speaker of the House of Representatives:

We, your conferees appointed to resolve the differences arising between the Senate and the House of Representatives on **H. B. 825**, a bill to eliminate the payment of regular interest in the return of accumulated contributions from the Teachers' and State Employees' Retirement System, Local Governmental Employees' Retirement System, Law Enforcement Officers' Benefit and Retirement Fund, and Uniform Judicial Retirement System except to members with five or more years of membership service, wish to report as follows:

Rewrite Sec. 5 to read as follows:

"Sec. 5. This act shall become effective July 1, 1981 provided, however, nothing contained in this act shall affect any interest that has accrued to the account of any member prior to the effective date of this act."

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 23rd day of June, 1981.

Cecil R. Jenkins, Jr.

Joseph E. Johnson

Donald R. Kincaid

Conferees for the Senate

Bobby R. Etheridge

Thomas W. Ellis, Jr.

Martin L. Nesbitt, Jr.

*Conferees for the
House of Representatives*

On motion of Senator Johnson, the Conference Report is adopted and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Hardison:

S. B. 704, a bill to amend G. A. 147-62 to provide for assignments of claims against the State for cancer or intensive care insurance.

Referred to **State Government Committee**.

June 23, 1981

By Senator Walker:

S. B. 705, a bill to amend Chapter 116, Article 23, of the General Statutes, pertaining to the State Education Assistance Authority for the purpose of authorizing the making of parental loans to aid resident students in pursuing their education beyond the high school level.

Referred to **Finance Committee**.

By Senator Lawing:

S. B. 706, a bill to amend the North Carolina Health Planning and Resource Development Act of 1978 concerning exemptions.

Referred to **Rules and Operation of the Senate Committee**.

By Senator Creech:

S. B. 707, a bill to provide a simplified campaign finance reporting system for municipalities with a population of 50,000 or over.

Referred to **Election Laws Committee**:

By Senator McDuffie:

S. B. 708, a bill to provide continuity for election procedures in the event of court rulings.

Referred to **Election Laws Committee**.

Senator Duncan moves that Rule 40 be suspended to allow the introduction of the following bill which motion prevails by a two-thirds majority vote.

By Senator Duncan:

S. B. 710, a bill to change the form of government of the Town of Stoneville to council-manager, and to validate certain acts of the Town.

On motion of Senator Duncan, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and without objection, is ordered sent to the House of Representatives by Special Messenger.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 250, House Committee Substitute for Committee Substitute for **S. B. 250**, a bill to provide for a more effective review of administrative rules, and to make permanent the Legislative Research Commission's Administrative Rules Review Committee, for concurrence in the House Committee Substitute bill which is placed on the Calendar for tomorrow, June 24.

S. B. 511, House Committee Substitute for **S. B. 511**, a bill to apply the same standard for disability retirement as for reexamination in the North Carolina Local Governmental Retirement System, the Teachers' and State Employees' Retirement System and the Uniform Judicial Retirement System, for concurrence in the House Committee Substitute bill which is placed on the Calendar for tomorrow, June 24.

H. B. 274, Committee Substitute for **H. B. 274**, a bill to allow interruption of utility services.

Referred to **Public Utilities and Energy Committee**.

H. B. 370, Committee Substitute for **H. B. 370**, a bill to clarify the provisions relating to territorial rating in nonfleet private passenger automobile insurance.

Referred to **Insurance Committee**.

H. B. 1127, Committee Substitute for **H. B. 1127**, a bill to amend the Fair Sentencing Act of 1981 to make sale or delivery of a controlled substance to a minor an aggravating factor.

Referred to **Judiciary III Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 40, House Committee Substitute No. 2 for **S. B. 40**, a bill to provide punishments for assaults upon handicapped or aged persons, for concurrence in House Committee Substitute bill No. 2.

Senator Allsbrook moves that the Senate do not concur in the House Committee Substitute bill No. 2 and further moves that the President appoint conferees, which motions prevail.

The President appoints Senators Speed, Allsbrook, and Wynne as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S. B. 50, a bill to place the phrase "First in Flight" and a representation of the Wright Brothers' airplane on registration plates, for concurrence in House Amendment No. 1.

Senator Barnes moves that the Senate do not concur in House Amendment No. 1 and further moves that the President appoint conferees, which motions prevail.

The President appoints Senators Barnes, Harrington, and Daniels as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S. B. 391, Committee Substitute for **S. B. 391**, a bill to repeal and amend sections of the Wage and Hour Act, for concurrence in House Amendment No. 1.

On motion of Senator Jernigan, the Senate concurs in House Amendment No. 1 and the Committee Substitute bill is ordered enrolled.

S. B. 396, Committee Substitute for **S. B. 396**, a bill to increase the punishment for stealing horses, mules, swine, and cattle, for concurrence in House Amendment No. 1.

On motion of Senator Speed, the Senate concurs in House Amendment No. 1 and the Committee Substitute bill is ordered enrolled.

S. B. 502, Committee Substitute No. 2 for **S. B. 502**, a bill setting forth duties of skiers and ski area operators and limitations thereof, as amended, upon third reading.

The Committee Substitute bill No. 2, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives.

S. B. 555, a bill to allow counties to abate public health nuisances, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 48.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S. B. 702, a Senate resolution directing the Joint Legislative Commission on Governmental Operations to monitor and study the operations of the Department of Transportation, for adoption.

On motion of Senator Hancock, the Senate resolution is adopted. (The text of this resolution appears in the Appendix.)

H. B. 750, a bill to amend G. S. 143B-153 to require the Social Services Commission to establish standards and adopt rules and regulations for payment of State funds to private child-caring institutions, upon third reading.

On motion of Senator Harris, consideration of the bill is postponed until Thursday, June 25.

H. B. 895, Senate Committee Substitute for **H. B. 895**, a bill to set higher maximum fees collectable by the Board of Barber Examiners, as amended, upon third reading.

The Senate Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 38, noes 9, as follows:

Voting in the affirmative: Senators Allred, Allsbrook, Baker, Ballenger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Jenkins, Jernigan, Jordan, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Smith, Soles, Swain, Thomas of Henderson, Walker, Ward, Warren, White, and Wynne — 38.

Voting in the negative: Senators Alford, Barnes, Boger, Harris, Johnson, Redman, Speed, Thomas of Craven, and Wright — 9.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 897, a bill to raise the threshold amount of construction, repair, or supply purchase contracts for which informal bids are required.

Senator Barnes offers Amendment No. 1 which is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 898, Senate Committee Substitute for **H. B. 898**, a bill to raise the threshold amount of purchases of supplies and equipment for which formal advertisement for bids is required, and to repeal prior local acts.

The Senate Committee Substitute bill passes its second reading.

On objection of Senator Barnes to its third reading the Senate Committee Substitute bill remains on the Calendar for further consideration.

H. B. 923, a bill to allow the Department of Cultural Resources to charge certain fees with the approval of the Historical Commission, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 46.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 969, a bill to amend the Nursing Home Administrator Act, as amended.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1067, a bill to permit the Medical Board and the Nursing Board to set certain fees, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 3, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Cavanagh, Clarke, Cockerham, Creech, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Jenkins, Jernigan, Johnson, Jordan, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, and Wynne — 44.

Voting in the negative: Senators Boger, Kincaid, and Wright — 3.

The bill is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 294, Committee Substitute No. 2 for **H. B. 294**, an act to amend Chapter 90, Article 12A, of the General Statutes relating to podiatrists.

H. B. 831, Committee Substitute for **H. B. 831**, an act to provide for exemptions from civil liability for certain persons rendering assistance at accidents involving liquefied petroleum gas.

H. B. 1012, an act to revise licensure fees for nurses.

H. B. 1032, an act to change the classification for second degree murder and change the maximum sentence for Class C felonies.

H. J. R. 1203, a joint resolution honoring the life and memory of Dr. English E. Jones.

On motion of Senator Lawing, seconded by Senator Marion, the Senate adjourns to meet tomorrow at 1:30 P.M.

ONE HUNDRED FIFTEENTH DAY

SENATE CHAMBER,
Wednesday, June 24, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Samuel D. McMillan, Pastor of First United Methodist Church, Cary, as follows:

"O God of the Nations, we thank Thee for this great land in which we live; and we pray Thee that in our State and nation that justice may ever flow down like waters and righteousness like an ever flowing stream.

"O God of Love, we thank Thee for these Thy servants who give so unselfishly of themselves in the service of the Senate and of our State.

"Bless, we pray Thee, their deliberations this day. Help them to be persons of integrity, love, and compassion. Give them courage to stand up for their convictions in committee meetings and on this floor. And because of their labor of love, grant, we pray Thee, that our State may be blessed with sound government, just courts, good highways, honorable industry, creative centers of learning, and a progressive spirit.

"All this we ask in the name of Jesus Christ, who calls us to be apostles of love, persons of integrity, advocates of justice, dispensers of compassion, and servants of our fellowman. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senators Vickery and Harris for today.

On motion of Senator Lawing, the rules of the Senate are suspended to the end that Miss North Carolina of 1980, Janet Ward Black, may approach the Well of the Senate, where she addresses the membership.

APPOINTMENTS OF THE GOVERNOR

The President directs the Reading Clerk to read the following message from the Governor:

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
Raleigh 27611

June 19, 1981

The Honorable Jimmy C. Green
President of the Senate
Legislature Building
Raleigh, North Carolina 27611

June 24, 1981

Dear Mr. President:

Pursuant to G. S. 126-2, I am submitting to the Senate and the House of Representatives the names of the persons listed below whom I have recommended for reappointment to the State Personnel Commission.

(1) Mr. Earl Tate
50 Meadowood Apts.
Lenoir, NC 28645

(2) Mr. Billy Horne
Box 325
Stedman, NC 28391

My warmest personal regards,

Sincerely,
S/ JAMES B. HUNT, JR.
Governor of North Carolina

Notification of these appointments is referred to the **State Government Committee**.

CONFERENCE REPORT

S. B. 554

Senator Harrington, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **S. B. 554**, a bill to increase the gasoline tax, the special fuels tax, and the tax on carriers using fuels purchased outside the State; to increase Powell Bill funds for municipalities; to provide for construction of secondary roads; to provide a motor fuel tax refund; to transfer sales and use taxes on motor vehicle parts, accessories and lubricants to the Highway Fund; to increase motor vehicles fees; to increase the registration fees on property hauling vehicles; and to establish fees for oversize and overweight vehicles, submits the following report:

To the President of the Senate and
the Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on **S. B. 554**, a bill to be entitled an act to increase the gasoline tax, the special fuels tax, and the tax on carriers using fuels purchased outside the State; to increase Powell Bill funds for municipalities; to provide for construction of secondary roads; to provide a motor fuel tax refund; to transfer sales and use taxes on motor vehicle parts, accessories and lubricants to the Highway Fund; to increase motor vehicles fees; to increase the registration fees on property hauling vehicles; and to establish fees for oversize and overweight vehicles, wish to report as follows:

1. The House agrees to recede from Amendment No. 2 (Barbee Amendment).
2. The Senate concurs in House Amendments Nos. 3 and 6 (both Miller Amendments).
3. (a) The House recedes from the following subdivisions of Amendment No. 1 (Barbee Amendment): Subdivisions (3) — (6), (9), (11), (13), (16) — (19), (21), (25), (27), (29), (30), (33), (35), (37), (38), (41) — (44), (46), (48), (49), (51), (58).
(b) The Senate concurs in the following subdivisions of Amendment No. 1 (Barbee Amendment): Subdivisions (1), (2), (7), (8), (10), (12), (14), (26), (28), (31), (32), (34), (36), (39), (47), (50), (52) — (56).

June 24, 1981

- (c) The House and Senate agree to rewrite subdivisions (15), (20), (22), (23), (24), (40), (45), and (57) of Amendment No. 1 to read as follows:
- "(15) on page 3, line 10, by deleting the phrase 'six and one-quarter cents (6¼¢)' and inserting in lieu thereof the phrase 'six cents (6¢)';"
 - "(20) on page 3, lines 21 and 22, by deleting the phrase 'nine and three-quarters cents (9¾¢)' and inserting in lieu thereof the phrase 'nine and one-half cents (9½¢)';"
 - "(22) on pages 3 and 4, by rewriting subsection (e) to read: 'The first sentence of G. S. 105-446.1 is amended by deleting the phrase "eight cents (8¢)" and inserting in lieu thereof the phrase "eleven cents (11¢)".';"
 - "(23) on page 4, by rewriting subsection (f) to read: 'The first sentence of G. S. 105-446.3(a) is amended by deleting the phrase "eight cents (8¢)" and inserting in lieu thereof the phrase "eleven cents (11¢)".';"
 - "(24) on page 5, line 1, by deleting the phrase 'nine and three-quarters cents (9¾¢)' and inserting in lieu thereof the phrase 'nine and one-half cents (9½¢)';"
 - "(40) on page 7, line 18, by deleting the phrase 'six and one-quarter cents (6¼¢)' and inserting in lieu thereof the phrase 'six cents (6¢)';"
 - "(45) on page 8, lines 3 and 4, by deleting the phrase 'nine and three-quarters cents (9¾¢)' and inserting in lieu thereof the phrase 'nine and one-half cents (9½¢)';"
 - "(57) to conform the effective date sections to the deletion of Section 7 and renumbering of sections by subdivision (54) of this amendment, amend the bill on page 28, line 20, by changing '8' to '7' and changing '34' to '33'; and on page 28, line 21, by inserting the phrase '16, 17, and' after the word 'Sections' and deleting the phrase 'and 19'; and on page 28, line 22, by changing '33' to '32'."
4. The House agrees to recede from Amendment No. 7 (Church) and the House and Senate agree to substitute the following amendment in its place:
- "Amend the bill on page 12, line 12, by deleting Section 8 (renumbered Section 7 by Amendment No. 1) of the bill in its entirety and by renumbering the remaining section of the bill, and the references in the effective date sections, accordingly.
- And further amend the bill on page 12, line 24, through page 13, line 17, by rewriting Section 9 of the bill, (renumbered as Section 8 by Amendment No. 1), to read as follows:
- 'Article 5 of Chapter 105 of the General Statutes is amended by adding a new section following G. S. 105-164.44 to be designated G. S. 105-164.44A and to read:
- "§ 105-164.44A. Tax on motor vehicle parts, accessories, and lubricants; transfer to Highway Fund.** — The sales and use tax collected on motor vehicle parts, accessories and lubricants for the fiscal year 1980-81 is estimated to be fifty-nine million dollars (\$59,000,000), which amount may be used hereafter to determine the amount of sales and use taxes to be transferred under this section from the General Fund to the Highway Fund.
- Sales and use taxes collected on motor vehicle parts, accessories and lubricants may be transferred from the General Fund to the Highway Fund in the following amounts and in the following manner:
- (1) On a quarterly basis during the fiscal year ending June 30, 1982, the State Treasurer shall transfer from the General Fund to the Highway Fund that portion of the sum of fifty-nine million dollars (\$59,000,000) which equals the estimated amount of new General Fund revenues enacted during the 1981-82 legislative session, not to exceed fifty-nine million dollars (\$59,000,000).

(2) On a quarterly basis during the fiscal year ending June 30, 1983, the State Treasurer shall transfer from the General Fund to the Highway Fund that portion of the sum of fifty-nine million dollars (\$59,000,000) which equals the annualized amount transferred during the year ending June 30, 1982, plus any annualized estimated new revenues enacted by the 1981-82 legislative session and not previously transferred, plus or minus the percentage of this amount by which the total collections of sales and use tax increased or decreased over the previous year.

(3) On a quarterly basis during each fiscal year beginning on or after July 1, 1983, the State Treasurer shall transfer from the General Fund to the Highway Fund the amount transferred during the year ending June 30, 1983, plus or minus the percentage of that amount by which the total collection of sales or use tax increased or decreased over the previous year.

(4) The quarterly transfers shall be made within thirty (30) days after the end of each quarter." " "

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 24th day of June, 1981.

J. J. HARRINGTON, *Ch.*
HAROLD W. HARDISON
ROBERT B. JORDAN
W. CRAIG LAWING
SAM R. NOBLE
KENNETH C. ROYALL, JR.

WILLIAM T. WATKINS, *Ch.*
ALLEN ADAMS
ALLEN C. BARBEE
BRUCE ETHRIDGE
AARON W. PLYLER
DWIGHT W. QUINN
MARGARET TENNILLE
*Conferees on the part
of the House of Representatives*

*Conferees on the part
of the Senate*

Senator William W. Redman, Jr., Conferee, requests to be recorded as dissenting. The Chair declares the Conference Report before the Senate upon second roll-call reading.

Without objection, the following Senator is excused from voting:

Senator Duncan: (no reason stated).

On motion of Senator Harrington, the Conference Report is adopted upon second reading by roll-call vote, ayes 30, noes 14, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Clarke, Daniels, Frye, Garrison, Hancock, Hardison, Harrington, Jenkins, Jernigan, Johnson, Jordan, Lawing, Marion, Mathis, McDuffie, Noble, Palmer, Royall, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, and Wynne — 30.

Voting in the negative: Senators Allred, Baker, Ballenger, Boger, Cockerham, Creech, Gray, Marvin, Mills, Rauch, Raynor, Redman, Smith, and Wright — 14.

The Conference Report remains on the Calendar for tomorrow, June 25, upon third reading.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator White for the **Agriculture Committee**:

June 24, 1981

H. B. 1210, Committee Substitute for **H. B. 1210**, a bill to create the Commission of Agriculture Awareness, with a favorable report.

On motion of Senator White, the Committee Substitute bill is re-referred to the **Rules and Operation of the Senate Committee**.

By Senator Swain for the **Courts and Judicial Districts and Criminal Justice Committee**:

H. B. 915, a bill to substitute lists of licensed drivers for taxpayers as a source of names for jury lists, with a favorable report.

By Senator McDuffie for the **Election Laws Committee**:

S. B. 707, a bill to provide a simplified campaign finance reporting system for municipalities with a population of 50,000 or over, with a favorable report, as amended.

S. B. 708, a bill to provide continuity for election procedures in the event of court rulings, with a favorable report.

By Senator Mathis for the **Insurance Committee**:

S. B. 676, a bill to make technical changes and clarifications regarding the jurisdiction of the North Carolina Rate Bureau, with a favorable report, as amended.

H. B. 353, a bill to regulate interest rates on life insurance policy loans, with a favorable report.

H. B. 1082, a bill to amend the size and interest rate restrictions on mutual insurance company guaranty capital, with a favorable report.

H. B. 1156, a bill to regulate credit insurance policies, with a favorable report, as amended.

By Senator Marion for the **Local Government and Regional Affairs Committee**:

S. B. 495, a bill to provide that Part 1 of the Annexation Law shall apply in Buncombe County and to prohibit annexations in Buncombe County under Parts 2 and 3 when a majority of the registered voters object by petition, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Marion, the rules are suspended and the Committee Substitute bill, which changes the title to read **S. B. 495**, Committee Substitute for **S. B. 495**, a bill creating the Asheville-Buncombe Charter Commission and providing for an election on the consolidation of the governments of the municipalities within and the County of Buncombe, is placed before the Senate for immediate consideration.

On motion of Senator Marion, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, June 25.

S. B. 594, a bill to provide nominations by petition and cumulative voting in all elections for directors of Wilkes Telephone Membership Corporation and to reserve the power to amend the bylaws of the Corporation to its members only, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Marion, the rules are suspended and the Committee Substitute bill, which changes the title to read **S. B. 594**, Committee Substitute for **S. B. 594**, a bill to provide nominations by petition in all elections for directors of a telephone membership corporation and to reserve to only its members the power to amend the bylaws

of the corporation pertaining to elections of directors, is placed before the Senate for immediate consideration.

On motion of Senator Marion, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Public Utilities and Energy Committee**.

S. B. 695, a bill to repeal a section of the Roanoke Rapids City Charter in conflict with G. S. 160A-64 concerning compensation of officials, with a favorable report.

H. B. 603, Committee Substitute for **H. B. 603**, a bill to revise portions of the Fayetteville City Charter, with a favorable report, as amended.

H. B. 705, a bill to amend the Charter of the Town of Nags Head to permit the regulation of tow truck operations, with a favorable report.

H. B. 721, a bill amending the Charter of the City of Durham, with a favorable report.

H. B. 934, a bill to amend Chapter 160A of the General Statutes to authorize municipalities to participate in the Urban Development Action Grant Program, with a favorable report, as amended.

H. B. 1043, a bill to amend Chapter 721 of the 1979 Session Laws relating to hunting with rifles in certain townships of Moore County, subject to a referendum, with a favorable report, as amended.

H. B. 1179, a bill to authorize the Town of Lillington Board of Alcoholic Control to dispose of a reserve accumulated for the purpose of alcoholic education and rehabilitation, with a favorable report.

H. B. 1205, a bill to authorize the Onslow County Board of Education to convey certain property at private sale to Coastal Enterprises of Jacksonville, Inc., with a favorable report.

H. B. 1242, a bill to authorize the City Board of Alcoholic Control of the City of Lenoir to contract with the City of Lenoir to provide law enforcement of the liquor laws, with a favorable report.

By Senator Thomas of Craven for the **Natural and Economic Resources and Wildlife Committee**:

S. B. 233, a bill to amend the definition of "development" in the Coastal Areas Management Act, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Thomas of Craven, the rules are suspended and the Committee Substitute bill, which changes the title to read **S. B. 233**, Committee Substitute for **S. B. 233**, a bill to amend the definition of "development" and to clarify hearing rights in the Coastal Area Management Act, is placed before the Senate for immediate consideration.

On motion of Senator Thomas of Craven, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, June 25.

H. B. 1087, a bill limiting the fox hunting season in Wayne County, with a favorable report.

H. B. 1183, a bill amending the law relating to chains on hunting traps, with a favorable report.

H. B. 1253, a bill to provide an extended deadline for creation for fiscal year 1981-82 of a municipal service district for beach erosion control or flood or hurricane protection, with a favorable report.

By Senator Jenkins for the **Pensions and Retirement Committee**:

S. J. R. 670, a joint resolution creating the Legislative Study Commission on Retirement Investment Policies, with a favorable report.

By Senator Johnson for the **Public Utilities and Energy Committee**:

H. B. 459, Committee Substitute for **H. B. 459**, a bill to permit the Governor to accept permissive federal delegations of authority to take actions necessary to manage and to deal with an actual or impending energy resource shortage, to add to the membership of the Energy Policy Council and to provide for the confidentiality of certain data received by the Energy Division, with a favorable report.

H. B. 987, a bill to amend Chapter 1, Civil Procedure — Limitations, of the General Statutes, with a favorable report.

By Senator Barnes for the **State Government Committee**:

H. B. 21, Committee Substitute for **H. B. 21**, a bill to make shooting into an occupied building with certain barreled weapons a felony, with a favorable report, as amended.

H. B. 893, a bill to require passenger restraint systems for children under four years of age, with a favorable report, as amended.

H. B. 960, a bill to amend Chapter 147 of the General Statutes to allow for the payroll deduction by a State employee of the cost of uniform rental and insurance premiums, with an unfavorable report.

H. B. 1056, a bill to rewrite the Navigation Act, with a favorable report.

On motion of Senator Barnes, the bill is re-referred to the **Finance Committee**.

By Senator Harrington for the **Transportation Committee**:

H. B. 971, a bill to allow counties to treat several streets within the same subdivision as a unit in considering assessments for improvements of subdivision streets, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Harrington, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Harrington, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, June 25.

H. B. 1034, a bill to provide for the permanent registration and issuance of permanent registration plates for "Radio Emergency Association of Citizen Teams" vehicles, with a favorable report.

On motion of Senator Harrington, the bill is re-referred to the **Finance Committee**.

H. B. 1125, a bill concerning weight limits for motor vehicles hauling forest products, with a favorable report.

H. B. 1165, a bill to amend G. S. 20-79.2 relating to transporter registration, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Rauch, Marvin, and Harris:

S. J. R. 709, a joint resolution honoring William "Top" Dalton.

On motion of Senator Rauch, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and, without objection, is ordered sent to the House of Representatives by Special Messenger.

By Senators Noble and Hardison:

S. B. 711, a bill to amend Chapter 113A of the General Statutes to require that local government erosion and sedimentation control programs shall be no more restrictive than the State Erosion and Sedimentation Control Program.

Referred to **Appropriations Committee**.

By Senators Thomas of Henderson and Swain:

S. B. 712, a bill to amend G. S. 20-116(e) to allow tractor-trailer combinations of up to sixty-three feet and require the trailer portion of the combination to be at least sixteen feet less than the overall length.

Referred to **Transportation Committee**.

By Senators Palmer, Duncan, Harris, Daniels, White, Thomas of Craven, Thomas of Henderson, Harrington, Rauch, Wynne, Ward, Mills, Swain, Marion, Barnes, Allsbrook, Hardison, Speed, Creech, Johnson, Ballenger, and Allred:

S. B. 713, a bill to amend G. S. 163-106(d) to require that candidates for the State Senate indicate vacancy when filing.

Referred to **Redistricting — Senate Committee**.

Senator White moves that Rule 41 be suspended to allow the introduction and referral to committee of the following joint resolution, which motion prevails by a two-thirds majority vote.

By Senator White:

S. J. R. 714, a joint resolution authorizing the Legislative Research Commission to continue its study of ownership of land in North Carolina by aliens and alien corporations.

Referred to **Appropriations Committee**.

Senator Redman moves that Rules 40 and 41 be suspended to allow the introduction of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Redman:

S. B. 716, a bill to amend the Statesville City Charter, concerning the Civil Service Board.

On motion of Senator Redman, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and, without objection, is ordered sent to the House of Representatives by Special Messenger.

Senator Swain moves that Rule 40 be suspended to allow the introduction of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Swain and Clarke:

S. B. 718, a bill to authorize sanitary districts to acquire, construct, maintain and operate sewage collection and disposal systems, water supply systems, water purification or treatment plants and other utilities to provide service outside the corporate limits of such districts and to validate prior actions by such districts with respect to such facilities.

On motion of Senator Swain, the rules are suspended and the bill is placed on the Calendar for Thursday, June 25.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S. B. 40 , House Committee Substitute No. 2 for Committee Substitute for	House of Representatives June 23, 1981
S. B. 40	

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Committee Substitute for **S. B. 40**, a bill to be entitled an act to provide punishments for assaults upon handicapped or aged persons, the Speaker has appointed as conferees on the part of the House, Representatives Miller, Chairman, Messer, and Hightower, to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
GRACE COLLINS
Principal Clerk

S. B. 50	House of Representatives June 23, 1981
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Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Amendment to **S. B. 50**, a bill to be entitled an act to place the phrase "First In Flight" and a representation of the Wright Brothers' airplane on registration plates, the Speaker has appointed as conferees on the part of the House, Representatives Evans, Chairman, Lancaster, and Lilley, to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
GRACE COLLINS
Principal Clerk

June 24, 1981

S. B. 62

House of Representatives
June 24, 1981*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on S. B. 62, a bill to be entitled an act to abolish the distinction between accessories before the fact and principals and to make accessories punishable as principal felons, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
GRACE COLLINS
Principal Clerk

CONFERENCE REPORT

S. B. 62

Senator Barnes, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon S. B. 62, a bill to abolish the distinction between accessories before the fact and principals and to make accessories before the fact punishable as principal felons, submits the following report:

To the President of the Senate and
the Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Senate Bill 62, a bill to be entitled an act to abolish the distinction between accessories before the fact and principals and to make accessories before the fact punishable as principal felons, wish to report as follows: The conferees recommend that the House recede from House Amendment No. 1 and the conferees agree that Section 1 is amended on Page 1, line 13, by deleting the quotation marks and adding the following sentence: "However, if a person who heretofore would have been guilty and punishable as an accessory before the fact is convicted of a capital felony, and the jury finds that his conviction was based solely on the uncorroborated testimony of one or more principals, co-conspirators, or accessories to the crime, he shall be guilty of a Class B felony." and

Section 4 is amended by deleting the word "ratification" and substituting the words "July 1, 1981".

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the day of

HENSON P. BARNES
SAM R. NOBLE
WILLIAM A. CREECH
*Conferees on the part
of the Senate*

JAMES F. MORGAN
MARTIN LANCASTER
WILLIAM T. WATKINS
*Conferees on the part
of the House of Representatives*

June 24, 1981

On motion of Senator Barnes, the Conference Report is adopted and the bill is ordered enrolled. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S. B. 206, House Committee
Substitute for **S. B. 206**

House of Representatives
June 24, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Committee Substitute for **S. B. 206**, a bill to be entitled an act to extend time limitations for proof in asbestosis and silicosis claims, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
GRACE COLLINS
Principal Clerk

CONFERENCE REPORT

S. B. 206, House Committee
Substitute for **S. B. 206**

Senator Jenkins, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **S. B. 206**, House Committee Substitute for **S. B. 206**, a bill to extend time limitations for proof in asbestosis and silicosis claims, submits the following report:

To the President of the Senate and
the Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on the House Committee Substitute to Senate Bill 206, a bill to be entitled an act to extend time limitations for proof in asbestosis and silicosis claims, wish to report as follows:

The House and Senate rewrite Section 1 of the bill to read as follows:

"Section 1. G. S. 97-58(a) is rewritten to read as follows: '(a) Except as otherwise provided in G. S. 97-61.6, an employer shall not be liable for any compensation for asbestosis unless disablement or death results within ten years after the last exposure to that disease, or, in case of death, unless death follows continuous disablement from such disease, commencing within the period of ten years limited herein, and for which compensation has been paid or awarded or timely claim made. An employer shall not be liable for any compensation for lead poisoning unless disablement or death results within two years after the last exposure to that disease, or in case of death, unless death follows continuous disablement from such disease, commencing within the period of two years limited herein, and for which compensation has been paid or awarded or timely claim made.'"

June 24, 1981

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the day of June, 1981.

GLENN R. JERNIGAN
WALTER C. COCKERHAM
CECIL R. JENKINS, JR.
*Conferees on the part
of the Senate*

A. D. GUY
TIMOTHY H. McDOWELL
ALLEN ADAMS
*Conferees on the part
of the House of Representatives*

On motion of Senator Jenkins, the Conference Report is adopted and the House Committee Substitute bill is ordered enrolled. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 825

House of Representatives
June 23, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **H. B. 825**, a bill to be entitled an act to eliminate the payment of regular interest in the return of accumulated contributions from the Teachers' and State Employees' Retirement System, Local Governmental Employees' Retirement System, Law Enforcement Officers' Benefit and Retirement Fund, and Uniform Judicial Retirement System except to members with five or more years of membership service, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
GRACE COLLINS
Principal Clerk

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. J. R. 156, Committee Substitute for **H. J. R. 156**, a joint resolution honoring the life and service of William M. Fulton.

Referred to **Rules and Operation of the Senate Committee**.

H. B. 253, Committee Substitute for **H. B. 253**, a bill to index to the consumer price index the earnable difference for disability beneficiaries of the State administered retirement programs.

Referred to **Pensions and Retirement Committee**.

H. B. 430, Committee Substitute No. 2 for **H. B. 430**, a bill to permit law enforcement officers to transport released persons.

Referred to **Law Enforcement and Crime Control Committee**.

June 24, 1981

H. J. R. 819, a joint resolution memorializing the Federal Reserve Board to shift its policies on credit.

Referred to **Rules and Operation of the Senate Committee**.

H. B. 991, Committee Substitute for **H. B. 991**, a bill to authorize additional voluntary payroll deductions in order to enhance membership in the independent employee associations.

Referred to **State Government Committee**.

H. B. 1141, Committee Substitute for **H. B. 1141**, a bill to amend G. S. 24-10(d) concerning assumption fees on real property loans.

Referred to **Banking Committee**.

H. B. 1147, Committee Substitute for **H. B. 1147**, a bill to provide that registrars, judges and assistants shall receive at least the State minimum wage on election day.

Referred to **Election Laws Committee**.

H. B. 1182, a bill to require an applicant for vehicle registration to certify that no delinquent property taxes are owed on the vehicle and that the vehicle has been listed for property taxes.

On motion of Senator Lawing, the rules are suspended, and the bill is placed on the Calendar for Thursday, June 25.

H. B. 1209, a bill to amend Chapter 90, Article 6 of the General Statutes relating to the practice of optometry.

Referred to **Judiciary II Committee**.

H. B. 1216, Committee Substitute for **H. B. 1216**, a bill to allow the preservation of the home place.

Referred to **Human Resources Committee**.

H. B. 1222, a bill to allow county boards of elections to establish voting precincts without regard to township lines.

Referred to **Election Laws Committee**.

H. B. 1229, a bill to remove barriers to coordinating human service and volunteer transportation.

Referred to **Judiciary III Committee**.

H. B. 1235, a bill to regulate hunting and fishing on the registered property of another.

Referred to **Natural and Economic Resources and Wildlife Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

(Senator Lawing presides over a portion of today's Session.)

S. B. 191, Committee Substitute for **S. B. 191**, a bill to allow certain counties and municipalities to prohibit or regulate the possession and consumption of beer and wine.

Senator Noble offers Amendment No. 1 which is adopted.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 250, House Committee Substitute for Committee Substitute for **S. B. 250**, a bill to provide for a more effective review of administrative rules, and to make permanent the Legislative Research Commission's Administrative Rules Review Committee, for concurrence in the House Committee Substitute bill.

On motion of Senator Jordan, the Senate concurs in the House Committee Substitute bill and the bill is ordered enrolled.

S. B. 511, House Committee Substitute for **S. B. 511**, a bill to apply the same standard for disability retirement as for re-examination and to increase the age for re-examination in the North Carolina Local Governmental Retirement System, the Teachers' and State Employees' Retirement System and the Uniform Judicial Retirement System, for concurrence in the House Committee Substitute bill.

On motion of Senator Palmer, the Senate concurs in the House Committee Substitute bill and the bill is ordered enrolled.

S. B. 573, a bill to establish the North Carolina Commission on Security and Privacy of Computerized Criminal History Record Information.

On motion of Senator Soles, Committee Amendment No. 1 is adopted.

Without objection, the Chair orders the bill, as amended, engrossed and re-referred to the **Appropriations Committee**.

S. B. 603, Committee Substitute for **S. B. 603**, a bill to allow personal representatives in the probate of estates to use vouchers or other verified proof.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 650, a bill to provide for service of notice of revocation of operators' licenses and vehicle registrations by mail or publication and to delete the requirement that pickup orders be served by law enforcement officers.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 652, a bill to make the records of the Industrial Commisison open to the public, as amended.

On motion of Senator Jordan, the bill, as amended, is re-referred to the **Appropriations Committee**.

S. B. 699, a bill to amend the structural pest control act to clarify the jurisdiction of the superior and district courts for violations of the act.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H. B. 136, Committee Substitute for **H. B. 136**, a bill to regulate contractors, subcontractors, and suppliers in dealing with governmental agencies, and to make combinations in restraint of trade a felony, upon second reading.

Without objection, Senator Soles withdraws Committee Amendment No. 1.

Senator Soles offers Amendments No. 2 and No. 3 which are adopted.

Senator Cockerham offers Amendment No. 4 which fails of adoption.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 44, noes 2, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Harrington, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing,

Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 44.

Voting in the negative: Senators Boger and Smith — 2.

The Committee Substitute bill, as amended, remains on the Calendar upon third reading.

H. B. 169, Committee Substitute No. 3 for **H. B. 169**, a bill to provide that when vacancies occur in the offices of county commissioner, sheriff, register of deeds, coroner, or partisan school board races, the appointing board or person must appoint the person recommended by the political party executive committee of the vacating officer, and by requiring a district bar to nominate candidates for district court judges of the same party of the vacating judge.

On motion of Senator McDuffie, Committee Amendments No. 1, No. 2, and No. 3 are adopted.

Senator Marion offers Amendment No. 4 which is adopted.

Senator Cockerham offers a motion that the Committee Substitute bill No. 3, as amended, be recommitted to the **Election Laws Committee**, which motion fails to prevail.

The Committee Substitute bill No. 3, as amended, passes its second reading.

On objection of Senator Baker to its third reading, the Committee Substitute bill No. 3, as amended, remains on the Calendar for tomorrow, for further consideration.

H. B. 405, Committee Substitute for **H. B. 405**, a bill to establish effective procedures to enable certain elderly persons in need of care to stay at home and to provide the in-home services necessary to care for them, upon third reading.

The Committee Substitute bill passes its third reading and is ordered enrolled.

H. B. 408, a bill to increase the fees for the use of the courtroom and related judicial facilities, upon second reading.

The bill passes its second reading by roll-call vote, ayes 41, noes 1, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Harrington, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Soles, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, White, and Wright — 41.

Voting in the negative: Senator Smith — 1.

The bill remains on the Calendar upon third reading.

H. B. 623, a bill to authorize counties to expend tax funds and exercise the power of eminent domain for purposes of public auditoriums, coliseums, and convention and civic centers and to otherwise authorize establishment and support of same, upon second reading.

The bill passes its second reading by roll-call vote, ayes 39, noes 2, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Harrington, Jenkins, Jernigan, Johnson, Jordan, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Soles, Speed, Thomas of Craven, Thomas of Henderson, Ward, White, Wright, and Wynne — 39.

Voting in the negative: Senators Allred and Smith — 2.

The bill remains on the Calendar upon third reading.

H. B. 743, a bill to provide for State agencies to charge certain user fees, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Harrington, Jenkins, Jernigan, Johnson, Jordan, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, White, and Wright — 42.

The bill remains on the Calendar upon third reading.

H. B. 898, Senate Committee Substitute for **H. B. 898**, a bill to raise the threshold amount of purchases of supplies and equipment for which formal advertisement for bids is required, and to repeal prior local acts, upon third reading.

The Senate Committee Substitute bill passes its third reading and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 972, a bill to clarify the provisions of the Machinery Act on listing real property characteristics in preparation for revaluation.

The bill passes its second and third readings and is ordered enrolled.

H. B. 999, Committee Substitute for **H. B. 999**, a bill to permit the towing of unauthorized vehicles parked on State-owned public grounds within the City of Raleigh under the control of the Department of Administration, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Harrington, Jenkins, Jernigan, Johnson, Jordan, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Smith, Soles, Speed, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, and Wright — 41.

The Committee Substitute bill remains on the Calendar upon third reading.

H. B. 1004, a bill to clarify the scope of judicial review of an advisory decision of the State Personnel Commission.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1077, a bill to make various technical amendments to the General Statutes as recommended by the General Statutes Commission.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1091, a bill to rewrite the criminal abandonment and nonsupport and bastardy statutes to eliminate sex discrimination in the duty of support, and to consolidate repetitive statutes and remove surplusage.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1098, Committee Substitute for **H. B. 1098**, a bill to create a domiciliary home residents' bill of rights, upon second reading.

On motion of Senator Gray, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Gray,

Hancock, Harrington, Jernigan, Jordan, Lawing, Marion, Marvin, McDuffie, Noble, Palmer, Rauch, Raynor, Redman, Smith, Soles, Speed, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, and Wright — 38.

The Committee Substitute bill, as amended, remains on the Calendar upon third reading.

H. B. 1110, a bill to include the Division of Forest Resources in the list of claimant agencies in the Setoff Debt Collection Act.

On motion of Senator Barnes, consideration of the bill is postponed until Thursday, June 25.

H. B. 1129, a bill to correct technical errors in G. S. 141-7.1.

On motion of Senator Barnes, consideration of the bill is postponed until Thursday, June 25.

H. B. 1132, a bill to prohibit dangerous weapons at parades, funeral processions, picket lines, and demonstrations.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1151, a bill to have addresses added to judgment docket entries and to provide for timely entry of payment on the judgment docket.

Senator Johnson offers Amendment No. 1 which is adopted.

The bill, as amended, passes its second reading.

On objection of Senator Frye to its third reading, the bill, as amended, remains on the Calendar for further consideration.

H. B. 1174, Committee Substitute for **H. B. 1174**, a bill to amend certain provisions of Chapter 159 relative to local government budget and fiscal control matters.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 1186, a bill to require prices of all mixed beverages to be printed, upon second reading.

On motion of Senator Noble, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 37, noes 1, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Garrison, Gray, Hancock, Jernigan, Jordan, Lawing, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, and Wright — 37.

Voting in the negative: Senator Allred — 1.

The bill, as amended, remains on the Calendar upon third reading.

H. B. 1220, Committee Substitute for **H. B. 1220**, a bill to amend the liquor taxation statutes to conform to the revision of the alcoholic beverage control laws enacted by Chapter 412 of the 1981 Session Laws, and to make technical and clarifying changes to Chapter 412, upon second reading.

On motion of Senator Rauch, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Jernigan, Jordan, Lawing, Marion, Marvin, Mills, Noble, Palmer, Rauch, Raynor, Redman, Smith, Soles, Speed, Swain, Thomas of Henderson, Walker, Ward, Warren, White, and Wright — 38.

The Committee Substitute bill, as amended, remains on the Calendar upon third reading.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 391, Committee Substitute for **S. B. 391**, an act to repeal and amend sections of the Wage and Hour Act.

S. B. 396, Committee Substitute for **S. B. 396**, an act to increase the punishment for stealing horses, mules, swine, and cattle.

S. B. 513, an act to remove the pre-marital blood test for venereal disease as a requirement for a marriage license.

S. B. 710, an act to change the form of government of the Town of Stoneville to council-manager, and to validate certain acts of the Town.

H. B. 331, an act to amend certain sections of Chapter 53 and other chapters of the General Statutes relating to banks and the Commissioner of Banks.

H. B. 675, Committee Substitute for **H. B. 675**, an act to allow the Secretary of Human Resources to suspend the authority of a nursing home or domiciliary home for the aged to admit patients or residents where the conditions at the home are detrimental to health or safety.

H. B. 698, Committee Substitute for **H. B. 698**, an act to allow the City of Marion to submit plans for water and sewer improvements without the seal of a registered professional engineer.

H. B. 825, an act to eliminate the payment of regular interest in the return of accumulated contributions from the Teachers' and State Employees' Retirement System, Local Governmental Employees' Retirement System, Law Enforcement Officers' Benefit and Retirement Fund, and Uniform Judicial Retirement System except to members with five or more years of membership service.

H. B. 892, an act to amend G. S. 20-37.7 relating to special identification card.

H. B. 1067, an act to permit the Medical Board and the Nursing Board to set certain fees.

H. B. 1094, an act to repeal the inventory and stamp requirements for beer and wine sales to military reservations.

H. B. 1105, an act to amend Chapter 282 of the 1981 Session Laws to clarify when one savings and loan association may merge with another.

On motion of Senator Lawing, seconded by Senator Wynne, the Senate adjourns to meet tomorrow at 1:30 P.M.

June 24, 1981

ONE HUNDRED SIXTEENTH DAY

SENATE CHAMBER,
Thursday, June 25, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Lelon H. Garner, Pastor of Elizabeth City Pentecostal Holiness Church, Elizabeth City, as follows:

"Our Father which art in Heaven, hallowed by Thy name. We honor You and give thanks to You, as we behold Your love for us and to us. We come before You today asking Thy blessing upon this Body of elected officials as they begin deliberations that will affect so many people. Grant unto them knowledge, wisdom, understanding and a heart prepared to do right; for we know that Thy work tells us that righteousness exalts a nation. Let them be conscious of Your presence, to lead and guide them in all of their deliberations, so that when the final decisions are made, each will feel the joy of knowing they have done their best.

"Thank You for hearing our prayer. We make our petition in the name of Jesus Christ Our Lord. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

A leave of absence granted previously to Senator Thomas of Henderson is noted.

The President extends courtesies of the floor to Ralph Scott, former Senator from Alamance County.

The President extends courtesies of the gallery to Mrs. Fred D. Alexander, widow of the former Senator from Mecklenburg County and to his family and friends.

RECONSIDERATION

S. B. 191, Committee Substitute for **S. B. 191**, a bill to allow certain counties and municipalities to prohibit or regulate the possession and consumption of beer and wine.

Senator Swain moves that the Committee Substitute bill, as amended, be recalled from the Engrossing Office and placed before the Senate for further consideration, which motion prevails.

Senator Swain moves that the vote by which the Committee Substitute bill, as amended, passed its third reading be reconsidered, which motion prevails.

Without objection, the Committee Substitute bill, as amended, is placed on the Calendar for Monday, June 29, upon third reading.

RE-REFERRALS

S. J. R. 684, a joint resolution honoring Frederick Douglas Alexander, a former member of the General Assembly.

On motion of Senator Lawing, the rules are suspended and the joint resolution is taken from the **Rules and Operation of the Senate Committee** and is placed before the Senate for immediate consideration.

June 25, 1981

The joint resolution passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger.

S. B. 692, a bill to amend G. S. 143-34.12 so as to delay the repeal of the statutes on the 1981 sunset list from July 1, 1981, until July 31, 1981.

On motion of Senator Barnes, the rules are suspended and the bill is taken from the **Finance Committee** and is placed on the Calendar for tomorrow, June 26.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 350, Senate Committee
Substitute for **H. B. 350**

House of Representatives
June 25, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute to **H. B. 350**, a bill to be entitled an act to expressly provide that private security officers are competent, compellable witnesses in legal proceedings and to provide that private security officers employed by attorneys cannot be compelled to testify, and requests conferees. The Speaker has appointed Representatives W. Clark, Miller, and Hackney on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
GRACE COLLINS
Principal Clerk

Senator Lawing moves that the President appoint conferees, which motion prevails. The President appoints Senators Lawing, Raynor, and Soles as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Clarke for the **Constitutional Amendments Committee**:

H. B. 782, a bill to amend the Constitution of North Carolina to authorize the General Assembly to provide for a direct appeal from the North Carolina Utilities Commission to the Supreme Court, with a favorable report.

H. B. 1121, a bill to amend Article V of the Constitution of North Carolina to permit the General Assembly to grant to appropriate public bodies in the State additional powers to develop new and existing seaports and airports, including powers to finance and refinance for public and private parties seaport and airport and related facilities and improvements, with a favorable report.

By Senator Speed for the **Education Committee**:

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H. B. 1197, a bill to clarify the provisions of G. S. 115C-316 regarding salary and vacation of certain school employees, with a favorable report.

H. B. 1199, a bill to amend G. S. 115C-325 to provide for reduction in force of school employees due to lack of funds, with a favorable report.

By Senator McDuffie for the **Election Laws Committee**:

S. B. 664, a bill to authorize a binding referendum on the question of whether to raise the legal drinking age, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator McDuffie, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator McDuffie, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, June 26.

By Senator Allsbrook for the **Judiciary I Committee**:

S. B. 278, a bill to redefine "mo-ped" to include those without pedals, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Allsbrook, the rules are suspended and the Committee Substitute bill, which changes the title to read **S. B. 278**, Committee Substitute for **S. B. 278**, a bill to redefine "moped" to include those with either operable pedals or a kick starter, is placed before the Senate for immediate consideration.

On motion of Senator Allsbrook, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, June 26.

S. B. 284, a bill to increase the penalties for reckless driving and driving under the influence of intoxicating liquor and making the penalties the same, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Allsbrook, the rules are suspended and the Committee Substitute bill, which changes the title to read **S. B. 284**, Committee Substitute for **S. B. 284**, a bill to increase the penalties for driving under the influence of intoxicating liquor, is placed before the Senate for immediate consideration.

On motion of Senator Allsbrook, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, June 26.

S. B. 288, a bill to require reporting of motor vehicle violations committed by juveniles, with a favorable report.

S. B. 680, a bill to set maximum punishment for certain speeding offenses, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Allsbrook, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Allsbrook, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, June 26.

H. B. 1111, a bill to prohibit discovery and admissibility of actions of medical review committee meetings, with a favorable report.

By Senator Soles for the **Judiciary II Committee**:

S. B. 586, a bill to amend G. S. 160A-298(d) relating to certain street bridges, with an unfavorable report.

S. B. 677, a bill regarding disciplinary hearings for engineers and surveyors, with a favorable report.

S. B. 681, a bill to amend Chapters 96 and 84 of the General Statutes to permit persons supervised by attorneys to represent parties in proceedings before the Employment Security Commission, with a favorable report.

H. B. 243, Committee Substitute No. 2 for **H. B. 243**, a bill to amend the Juvenile Code to include prostitution within the definition of child abuse and to amend G. S. 7A-549 as it provides for physicians' authority to take emergency custody of and protect abused children, with a favorable report.

H. B. 931, Committee Substitute for **H. B. 931**, a bill to make it unlawful for professional solicitors to solicit charitable contributions by telephone, with a favorable report.

H. B. 1041, Committee Substitute for **H. B. 1041**, a bill to amend G. S. 75-33 relating to representations of eligibility to win a prize, with a favorable report, as amended.

H. B. 1191, a bill regarding the declarant's and witnesses' certificates to a "living will," with a favorable report.

H. B. 1204, Committee Substitute for **H. B. 1204**, a bill to define "counterfeit controlled substance" in the North Carolina Controlled Substances Act, with a favorable report.

By Senator Raynor for the **Law Enforcement and Crime Control Committee**:

S. B. 688, a bill to permit a highway patrolman or his family to receive his side arm upon his death or retirement, with a favorable report.

On motion of Senator Raynor, the bill is re-referred to the **Appropriations Committee**.

By Senator Marion for the **Local Government and Regional Affairs Committee**:

H. B. 685, a bill to provide for reapportioning the Brunswick County Board of Commissioners, and allowing the chairman to create one more tie vote, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Marion, the rules are suspended and the Senate Committee Substitute bill, which changes the title to read **H. B. 685**, Senate Committee Substitute for **H. B. 685**, a bill concerning election of the Brunswick County Board of Commissioners and the Brunswick County Board of Education, is placed before the Senate for immediate consideration.

On motion of Senator Marion, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, June 26.

By Senator Barnes for the **State Government Committee**:

H. B. 286, Committee Substitute for **H. B. 286**, a bill to amend Chapter 90, Article 16, of the General Statutes relating to dental hygienists, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Barnes, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Barnes, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, June 26.

H. B. 287, Committee Substitute for **H. B. 287**, a bill to amend Chapter 90, Article 2 of the General Statutes relating to dentists, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Barnes, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Barnes, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, June 26.

H. B. 295, Committee Substitute for **H. B. 295**, a bill to amend Chapter 90, Article 4 of the General Statutes, relating to pharmacy, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

Senator Clarke moves that Rule 41 be suspended to allow the introduction of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Clarke and Swain:

S. B. 715, a bill to repeal an act concerning budget adoption and financing of the Buncombe County Board of Tax Supervision, so as to restore the prior local law.

On motion of Senator Clarke, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and, without objection, is ordered sent to the House of Representatives by Special Messenger.

By Senator Speed:

S. B. 717, a bill regarding minimum standards of law enforcement officers.
Referred to **Law Enforcement and Crime Control Committee**.

By Senator McDuffie:

S. B. 719, a bill to permit transfers of ownership of motor vehicles within families without the necessity of transferring registration plates.
Referred to **Transportation Committee**.

By Senator McDuffie:

S. B. 720, a bill to provide for a credit for the unexpired portion of registration fees when a plate is surrendered to the Division of Motor Vehicles.
Referred to **Transportation Committee**.

By Senator Duncan:

S. B. 721, a bill concerning the bridge replacement program.
Referred to **Transportation Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S. B. 443, House Committee Substitute for Committee Substitute No. 2 for **S. B. 443**, a bill to provide for the management of hazardous and low-level radioactive waste in

North Carolina, for concurrence in the House Committee Substitute bill.

On motion of Senator Walker, the rules are suspended, and the House Committee Substitute bill is placed before the Senate for immediate consideration, for concurrence.

On motion of Senator Walker, the Senate concurs in the House Committee Substitute bill, and the bill is ordered enrolled.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 520, a bill to incorporate Section 1008 of Chapter X of Volume 1 Building Code, titled "Special Safety to Life Requirements Applicable to Existing High-Rise Buildings" into the General Statutes of North Carolina, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, June 26.

H. B. 650, Committee Substitute for **H. B. 650**, a bill to be called the Archaeological Resources Protection Act.

Referred to **Judiciary II Committee**.

H. B. 715, Committee Substitute for **H. B. 715**, a bill to be called the Unmarked Human Burial and Human Skeletal Remains Protection Act.

Referred to **Judiciary II Committee**.

H. B. 1107, a bill clarifying the rights of part-time and substitute employees of secondary schools to unemployment compensation benefits.

Referred to **Manufacturing, Labor and Commerce Committee**.

H. B. 1188, a bill to amend G. S. 7A-506 to add eight additional members to the North Carolina Courts Commission.

Referred to **Courts and Judicial Districts and Criminal Justice Committee**.

H. B. 1224, a bill to amend G. S. 160A-17.1 to authorize local governments to comply with minority business enterprise requirements of grant programs.

Referred to **Judiciary II Committee**.

H. B. 1246, a bill to amend the statutes concerning the Legislative Services Commission and other legislative activities to take into account legislative use of the new State Office Building.

Referred to **Rules and Operation of the Senate Committee**.

H. B. 1312, a bill to make more certain the location of certain street rights-of-way in the Town of Princeville through the adoption of an official map of said streets.

On motion of Senator Allsbrook, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S. B. 554

House of Representatives
June 25, 1981

June 25, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **S. B. 554**, a bill to be entitled an act to increase the gasoline tax, the special fuels tax, and the tax on carriers using fuels purchased outside the State; to increase Powell Bill funds for municipalities; to provide for construction of secondary roads; to provide a motor fuel tax refund; to transfer sales and use taxes on motor vehicle parts, accessories and lubricants to the Highway Fund; to increase motor vehicles fees; to increase the registration fees on property hauling vehicles; and to establish fees for oversize and overweight vehicles, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
GRACE COLLINS
Principal Clerk

CALENDAR

(Senator Lawing presides over a portion of today's Session.)

CONFERENCE REPORT

S. B. 554, a bill to increase the gasoline tax, the special fuels tax, and the tax on carriers using fuels purchased outside the State; to increase Powell Bill funds for municipalities; to provide for construction of secondary roads; to provide a motor fuel tax refund; to transfer sales and use taxes on motor vehicle parts, accessories and lubricants to the Highway Fund; to increase motor vehicles fees; to increase the registration fees on property hauling vehicles; and to establish fees for oversize and overweight vehicles, for adoption, upon third reading.

Without objection, the following Senator is excused from voting:

Senator Duncan: (no reason stated).

On motion of Senator Harrington, the Conference Report, submitted on June 24, is adopted upon third reading by roll-call vote, ayes 31, noes 17, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Barnes, Clarke, Daniels, Frye, Garrison, Hancock, Hardison, Harrington, Jenkins, Jernigan, Johnson, Jordan, Lawing, Marion, Mathis, McDuffie, Noble, Palmer, Royall, Soles, Speed, Swain, Thomas of Craven, Vickery, Walker, Ward, Warren, White, and Wynne — 31.

Voting in the negative: Senators Allred, Baker, Ballenger, Boger, Cavanagh, Cockerham, Creech, Gray, Harris, Kincaid, Marvin, Mills, Rauch, Raynor, Redman, Smith, and Wright — 17.

The bill is ordered enrolled.

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 233, Committee Substitute for **S. B. 233**, a bill to amend the definition of "development" and to clarify hearing rights in the Coastal Area Management Act.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 495, Committee Substitute for **S. B. 495**, a bill creating the Asheville-Buncombe Charter Commission and providing for an election on the consolidation of the governments of the municipalities within and the County of Buncombe, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Boger, Cavanagh, Clarke, Cockerham, Daniels, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 44.

The Committee Substitute bill remains on the Calendar upon third reading.

S. J. R. 670, a joint resolution creating the Legislative Study Commission on Retirement Investment Policies.

The joint resolution passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 676, a bill to make technical changes and clarifications regarding the jurisdiction of the North Carolina Rate Bureau.

On motion of Senator Mathis, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 695, a bill to repeal a section of the Roanoke Rapids City Charter in conflict with G. S. 160A-64 concerning compensation of officials.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 707, a bill to provide a simplified campaign finance reporting system for municipalities with a population of 50,000 or over.

On motion of Senator McDuffie, Committee Amendments No. 1 and No. 2 are adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 708, a bill to provide continuity for election procedures in the event of court rulings.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 718, a bill to authorize sanitary districts to acquire, construct, maintain and operate sewage collection and disposal systems, water supply systems, water purification or treatment plants and other utilities to provide service outside the corporate limits of such districts and to validate prior actions by such districts with respect to such facilities, upon second reading.

The bill passes its second reading by roll-call vote, ayes 37, noes 2, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Harrington, Jenkins, Kincaid, Lawing, Marion, McDuffie, Noble, Palmer, Rauch, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Vickery, Walker, White, and Wright — 37.

Voting in the negative: Senators Harris and Jernigan — 2.

The bill remains on the Calendar upon third reading for Monday, June 29.

H. B. 21, Committee Substitute for **H. B. 21**, a bill to make shooting into an occupied building with certain barreled weapons a felony, upon second reading.

On motion of Senator Barnes, Committee Amendment No. 1 is adopted.

Senator Marvin offers Amendment No. 2 which fails of adoption.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Lawing, Marion, Marvin, Mathis, McDuffie, Noble, Palmer, Rauch, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Vickery, Walker, Warren, White, and Wright — 43.

The Committee Substitute bill, as amended, remains on the Calendar upon third reading.

H. B. 136, Committee Substitute for **H. B. 136**, a bill to regulate contractors, subcontractors, and suppliers in dealing with governmental agencies, and to make combinations in restraint of trade a felony, as amended, upon third reading.

Senator Soles moves that the rules be suspended to allow Senator Cockerham to send forth an identical amendment to Amendment No. 4, which failed of adoption on June 24, which motion prevails.

Senator Cockerham offers Amendment No. 5 which fails of adoption.

Senator Redman offers Amendment No. 6 which fails of adoption.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 45, noes 3, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Barnes, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Soles, Speed, Swain, Thomas of Craven, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 45.

Voting in the negative: Senators Ballenger, Boger, and Smith — 3.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 2 and No. 3.

H. B. 169, Committee Substitute No. 3 for **H. B. 169**, a bill to provide that when vacancies occur in the offices of county commissioner, sheriff, register of deeds, coroner, or partisan school board races, the appointing board or person must appoint the person recommended by the political party executive committee of the vacating officer, and by requiring a district bar to nominate candidates for district court judges of the same party of the vacating judge, as amended, upon third reading.

Senator Ward offers Amendment No. 5 which is adopted.

The Committee Substitute bill No. 3, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1, No. 2, No. 3, No. 4, and No. 5.

H. B. 353, a bill to regulate interest rates on life insurance policy loans.

Senator Garrison offers a motion that the bill be re-referred to the **Insurance Committee**, which motion he subsequently withdraws.

On motion of Senator Noble, consideration of the bill is postponed until Tuesday, June 30.

H. B. 408, a bill to increase the fees for the use of the courtroom and related judicial facilities, upon third reading.

The bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 46.

The bill is ordered enrolled.

H. B. 459, Committee Substitute for **H. B. 459**, a bill to permit the Governor to accept permissive federal delegations of authority to take actions necessary to manage and to deal with an actual or impending energy resource shortage, to add to the membership of the Energy Policy Council and to provide for the confidentiality of certain data received by the Energy Division.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 603, Committee Substitute for **H. B. 603**, a bill to revise portions of the Fayetteville City Charter, upon second reading.

On motion of Senator Soles, Committee Amendments No. 1 and No. 2 are adopted.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Boger, Cavanagh, Clarke, Cockerham, Daniels, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 44.

The Committee Substitute bill, as amended, remains on the Calendar upon third reading.

H. B. 623, a bill to authorize counties to expend tax funds and exercise the power of eminent domain for purposes of public auditoriums, coliseums, and convention and civic centers and to otherwise authorize establishment and support of same, upon third reading.

The bill passes its third reading by roll-call vote, ayes 43, noes 2, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hardison, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Speed, Swain, Thomas of Craven, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 43.

Voting in the negative: Senators Allred and Smith — 2.

The bill is ordered enrolled.

H. B. 705, a bill to amend the Charter of the Town of Nags Head to permit the regulation of tow truck operations.

The bill passes its second and third readings and is ordered enrolled.

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H. B. 721, a bill amending the Charter of the City of Durham.
The bill passes its second and third readings and is ordered enrolled.

H. B. 743, a bill to provide for State agencies to charge certain user fees, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Johnson, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Smith, Speed, Swain, Thomas of Craven, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 44.

The bill is ordered enrolled.

H. B. 750, a bill to amend G. S. 143B-153 to require the Social Services Commission to establish standards and adopt rules and regulations for payment of State funds to private child-caring institutions, upon third reading.

On motion of Senator Harris, the bill is recommitted to the **Human Resources Committee**.

H. B. 893, a bill to require passenger restraint systems for children under four years of age.

On motion of Senator Harris, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading.

On objection of Senator Allred to its third reading, the bill, as amended, remains on the Calendar for further consideration.

H. B. 915, a bill to substitute lists of licensed drivers for taxpayers as a source of names for jury lists.

The bill passes its second reading.

On objection of Senator Baker to its third reading, the bill remains on the Calendar for further consideration.

H. B. 934, a bill to amend Chapter 160A of the General Statutes to authorize municipalities to participate in the Urban Development Action Grant Program.

On motion of Senator Barnes, Committee Amendment No. 1 is adopted.

Senator Allred offers Amendment No. 2 which fails of adoption.

Senator Marion calls the previous question, seconded by Senator Alford. The call is sustained.

The bill, as amended, passes its second reading.

On motion of Senator Marion, consideration of the bill, as amended, is postponed until Monday, June 29.

H. B. 971, Senate Committee Substitute for **H. B. 971**, a bill to allow counties to treat several streets within the same subdivision as a unit in considering assessments for improvements of subdivision streets, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Harrington, Jenkins, Jernigan, Johnson, Jordan, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Vickery, Walker, Warren, White, and Wright — 41.

The Senate Committee Substitute bill remains on the Calendar upon third reading.

H. B. 987, a bill to amend Chapter 1, Civil Procedure — Limitations, of the General Statutes.

The bill passes its second and third readings and is ordered enrolled.

H. B. 999, Committee Substitute for **H. B. 999**, a bill to permit the towing of unauthorized vehicles parked on State-owned public grounds within the City of Raleigh under the control of the Department of Administration, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Johnson, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Smith, Speed, Swain, Thomas of Craven, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 45.

The Committee Substitute bill is ordered enrolled.

H. B. 1043, a bill to amend Chapter 721 of the 1979 Session Laws relating to hunting with rifles in certain townships of Moore County, subject to a referendum.

On motion of Senator Jenkins, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1082, a bill to amend the size and interest rate restrictions on mutual insurance company guaranty capital.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1087, a bill limiting the fox hunting season in Wayne County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1098, Committee Substitute for **H. B. 1098**, a bill to create a domiciliary home residents' bill of rights, as amended, upon third reading.

On motion of Senator Swain, the Committee Substitute bill, as amended, is referred to the **Appropriations Committee**.

H. B. 1110, a bill to include the Division of Forest Resources in the list of claimant agencies in the Setoff Debt Collection Act.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1125, a bill concerning weight limits for motor vehicles hauling forest products.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1129, a bill to correct technical errors in G. S. 141-7.1.

On motion of Senator Smith, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1151, a bill to have addresses added to judgment docket entries and to provide for timely entry of payment on the judgment docket, as amended, upon third reading.

The bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1156, a bill to regulate credit insurance policies.

On motion of Senator Mathis, Committee Amendments No. 1, No. 2, and No. 3 are adopted.

Senator Harris offers Amendment No. 4 which is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1, No. 2, No. 3, and No. 4.

H. B. 1165, a bill to amend G. S. 20-79.2 relating to transporter registration.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1179, a bill to authorize the Town of Lillington Board of Alcoholic Control to dispose of a reserve accumulated for the purpose of alcoholic education and rehabilitation.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1182, a bill to require an applicant for vehicle registration to certify that no delinquent property taxes are owed on the vehicle and that the vehicle has been listed for property taxes, upon second reading.

The bill passes its second reading by roll-call vote, ayes 44, noes 1, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Vickery, Walker, Warren, White, and Wright — 44.

Voting in the negative: Senator Harris — 1.

The bill remains on the Calendar upon third reading.

H. B. 1183, a bill amending the law relating to chains on hunting traps.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1186, a bill to require prices of all mixed beverages to be printed, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 42, noes 1, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Duncan, Garrison, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Smith, Soles, Speed, Swain, Thomas of Craven, Walker, Ward, Warren, White, Wright, and Wynne — 42.

Voting in the negative: Senator Allred — 1.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1205, a bill to authorize the Onslow County Board of Education to convey certain property at private sale to Coastal Enterprises of Jacksonville, Inc.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1220, Committee Substitute for **H. B. 1220**, a bill to amend the liquor taxation statutes to conform to the revision of the alcoholic beverage control laws enacted by Chapter 412 of the 1981 Session Laws, and to make technical and clarifying changes to Chapter 412, as amended, upon third reading.

Senator Rauch offers Amendment No. 2 which is adopted.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 38, noes 1, as follows:

Voting in the affirmative: Senators Alford, Allred, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Duncan, Frye, Hancock, Harrington, Harris, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, McDuffie, Noble, Palmer, Rauch, Redman, Smith, Soles, Speed, Swain, Thomas of Craven, Vickery, Walker, Ward, Warren, White, and Wright — 38.

Voting in the negative: Senator Allsbrook — 1.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

H. B. 1242, a bill to authorize the City Board of Alcoholic Control of the City of Lenoir to contract with the City of Lenoir to provide law enforcement of the liquor laws.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1253, a bill to provide an extended deadline for creation for fiscal year 1981-82 of a municipal service district for beach erosion control or flood or hurricane protection, upon second reading.

The bill passes its second reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Jordan, Kincaid, Marion, Marvin, Mathis, Noble, Palmer, Rauch, Redman, Smith, Soles, Speed, Swain, Thomas of Craven, Vickery, Walker, Warren, White, and Wright — 39.

The bill remains on the Calendar upon third reading.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 62, an act to abolish the distinction between accessories before the fact and principals and to make accessories before the fact punishable as principal felons.

S. B. 144, an act to raise the monetary limits for requiring an architect or engineer.

S. B. 250, House Committee Substitute for Committee Substitute for **S. B. 250**, an act to provide for a more effective review of administrative rules, and to make permanent the Legislative Research Commission's Administrative Rules Review Committee.

S. B. 511, House Committee Substitute for **S. B. 511**, an act to apply the same standard for disability retirement as for re-examination in the North Carolina Local Governmental Retirement System, the Teachers' and State Employees' Retirement System and the Uniform Judicial Retirement System.

S. J. R. 709, a joint resolution honoring William Crawford "Top" Dalton.

H. B. 405, Committee Substitute for **H. B. 405**, an act to establish effective procedures to enable certain elderly persons in need of care to stay at home and to provide the in-home services necessary to care for them.

H. B. 695, Committee Substitute for **H. B. 695**, an act to study and regulate the practice of midwifery in North Carolina.

H. B. 883, Committee Substitute for **H. B. 883**, an act to exempt certain nonhazardous small jobs from city and county building inspection.

H. B. 972, an act to clarify the provisions of the Machinery Act on listing real property characteristics in preparation for revaluation.

H. B. 994, an act to prohibit conflicts of interest by officers and employees administering the State medical assistance plan.

H. B. 1004, an act to clarify the scope of judicial review of an advisory decision of the State Personnel Commission.

H. B. 1030, an act to authorize controlled harvest of antlerless deer in areas of overpopulation.

H. B. 1077, an act to make various technical amendments to the General Statutes as recommended by the General Statutes Commission.

H. B. 1091, an act to rewrite the criminal abandonment and nonsupport and bastardy statutes to eliminate sex discrimination in the duty of support, and to consolidate repetitive statutes and remove surplusage.

H. B. 1132, an act to prohibit dangerous weapons at parades, funeral processions, picket lines, and demonstrations.

H. B. 1174, Committee Substitute for **H. B. 1174**, an act to amend certain provisions of Chapter 159 relative to local government budget and fiscal control matters.

On motion of Senator Harris, seconded by Senator Rauch, the Senate adjourns to meet tomorrow at 10:45 A.M.

ONE HUNDRED SEVENTEENTH DAY

SENATE CHAMBER,
Friday, June 26, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Honorable John J. Cavanagh, Jr., Senator from Forsyth County.

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants a leave of absence to Senator Marion for today. A leave of absence granted previously to Senator Thomas of Henderson is noted.

RE-REFERRAL

S. B. 358, a bill to authorize the Wildlife Resources Commission to manage and regulate the harvesting of foxes in Alamance County.

June 26, 1981

On motion of Senator Thomas of Craven, the bill is taken from the **Natural and Economic Resources and Wildlife Committee** and re-referred to the **Appropriations Committee**.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Mills for the **Banking Committee**:

S. B. 657, a bill to amend G. S. 24-11 relating to revolving credit, with a favorable report, as amended.

By Senator Duncan for the **Finance Committee**:

S. B. 73, a bill to save taxpayers of counties substantial amounts of money by eliminating the requirement of actual visitation during revaluation, with an unfavorable report.

S. B. 669, a bill to expand the income tax deduction allowed for amounts expended for nursing home care and other institutional care of a family member, with a favorable report, as amended.

On motion of Senator Duncan, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Ways and Means Committee**.

S. B. 705, a bill to amend Chapter 116, Article 23, of the General Statutes, pertaining to the State Education Assistance Authority for the purpose of authorizing the making of parental loans to aid resident students in pursuing their education beyond the high school level, with a favorable report.

H. B. 32, a bill to change the personal income tax rate brackets to reduce taxes, with a favorable report.

On motion of Senator Duncan, the bill is re-referred to the **Ways and Means Committee**.

H. B. 67, a bill to equalize between married persons the right to income, possession, and control in property owned concurrently in tenancy by the entirety, with a favorable report.

On motion of Senator Duncan, the bill is re-referred to the **Ways and Means Committee**.

H. B. 284, Committee Substitute for **H. B. 284**, a bill to amend Article 7 of Chapter 74 concerning the Mining Act of 1971, with a favorable report.

H. B. 288, Committee Substitute for **H. B. 288**, a bill to amend Chapter 84 of the General Statutes of North Carolina relating to the North Carolina State Bar and to remove Article 4 of that Chapter from the automatic termination provisions of G. S. 143-34.12, with a favorable report.

H. B. 387, a bill to increase the personal income tax exemptions, with a favorable report.

On motion of Senator Duncan, the bill is re-referred to the **Ways and Means Committee**.

H. B. 438, a bill to authorize members of occupational licensing boards to receive reimbursement for travel and subsistence expenses on the same basis as State boards and commissions, with a favorable report.

H. B. 1034, a bill to provide for the permanent registration and issuance of permanent registration plates for "Radio Emergency Association of Citizen Teams" vehicles, with a favorable report.

On motion of Senator Duncan, the bill is re-referred to the **Ways and Means Committee**.

H. B. 1074, Committee Substitute for **H. B. 1074**, a bill to authorize corporate and personal income tax credits for construction of a peat facility, with a favorable report.

On motion of Senator Duncan, the Committee Substitute bill is re-referred to the **Ways and Means Committee**.

By Senator Harris for the **Human Resources Committee**:

S. B. 703, a bill to amend the membership of the North Carolina Council for the Hearing Impaired, with a favorable report.

H. B. 944, Committee Substitute for **H. B. 944**, a bill to include consideration of personal property transfers in determining Medicaid and special assistance eligibility, with a favorable report.

H. B. 1195, a bill to allow a member of a county social services board who is a county commissioner to serve without limitation as to terms on the county social services board, with a favorable report.

By Senator Creech for the **Judiciary III Committee**:

H. B. 1146, Committee Substitute for **H. B. 1146**, a bill to provide for release of nonidentifying adoption information, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Creech, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Creech, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, June 29.

By Senator Rauch for the **Redistricting — Senate Committee**:

S. B. 713, a bill to amend G. S. 163-106(d) to require that candidates for the State Senate indicate vacancy when filing, with a favorable report.

H. B. 415, Committee Substitute for **H. B. 415**, a bill to apportion the districts of the North Carolina House of Representatives, with a favorable report.

By Senator Lawing for the **Rules and Operation of the Senate Committee**:

S. J. R. 462, Committee Substitute for **S. J. R. 462**, a joint resolution memorializing the county commissioners of the State to increase the manpower in the sheriff's departments, with a favorable report, as amended.

S. J. R. 648, a joint resolution honoring the life and work of Paul Green, North Carolina's former Dramatist Laureate, with a favorable report.

S. J. R. 675, a joint resolution authorizing joint meetings of the Senate Committee on Banking and the House Committee on Banks and Thrift Institutions during the interim period between sessions of the 1981 General Assembly, with a favorable report.

On motion of Senator Lawing, the joint resolutions is re-referred to the **Appropriations Committee**.

S. J. R. 693, a joint resolution pertaining to the adequacy, reliability and economy of electric power in the northeast region of the State of North Carolina, with a favorable report.

S. B. 694, a bill defining eligibility for membership on the State Board of Education, with a favorable report, as amended.

S. B. 706, a bill to amend the North Carolina Health Planning and Resource Development Act of 1978 concerning exemptions, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Lawing, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Lawing, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, June 29.

H. J. R. 156, Committee Substitute for **H. J. R. 156**, a joint resolution honoring the life and service of William M. Fulton, with a favorable report.

H. J. R. 819, a joint resolution memorializing the Federal Reserve Board to shift its policies on credit, with a favorable report.

H. J. R. 913, a joint resolution honoring the life and memory of L. R. Harrill by recognizing the North Carolina 4-H Honor Club during its Golden Anniversary of active service to 4-H and youth, with a favorable report.

H. J. R. 1117, a joint resolution urging the Congress of the United States to oppose the deregulation of the peanut growing industry, with a favorable report.

H. J. R. 1140, a joint resolution directing a study of the feasibility and desirability of combining annual vehicle inspection with annual vehicle registration, with a favorable report.

On motion of Senator Lawing, the joint resolution is re-referred to the **Appropriations Committee**.

H. B. 1159, a bill to designate the fourth week in September as Indian Solidarity Week, with a favorable report.

H. B. 1201, a bill to provide for the severability of the provisions of redistricting acts of the General Assembly, with a favorable report.

H. B. 1210, Committee Substitute for **H. B. 1210**, a bill to create the Commission of Agriculture Awareness, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute joint resolution.

On motion of Senator Lawing, the rules are suspended and the Senate Committee Substitute joint resolution, which changes the bill to a joint resolution and changes the

title to read **H. J. R. 1210**, Senate Committee Substitute for **H. B. 1210**, a joint resolution to create a study commission to examine the present status of agriculture in North Carolina and public awareness of the importance of agriculture to North Carolina, is placed before the Senate for immediate consideration.

On motion of Senator Lawing, the Senate Committee Substitute joint resolution is adopted, and on his further motion is placed on the Calendar for Monday, June 29.

H. B. 1246, a bill to amend the statutes concerning the Legislative Services Commission and other legislative activities to take into account legislative use of the new State Office Building, with a favorable report.

H. J. R. 1251, a joint resolution directing the North Carolina Courts Commission to study the current boundaries of the State's judicial divisions, judicial districts, prosecutorial districts, and the personnel needs of the judicial and prosecutorial districts and report on the necessity or desirability of changes therein to the 1983 Session of the General Assembly, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

Senator Harris moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Harris:

S. B. 722, a bill to direct the Legislative Research Commission to study the need for nursing home administrators licensing.

Referred to **Appropriations Committee**.

Senator Cavanagh moves that Rules 41 be suspended to allow the introduction and referral to committee of the following joint resolution, which motion prevails by a two-thirds majority vote.

By Senator Cavanagh:

S. J. R. 723, a joint resolution directing the Legislative Research Commission to study academic balance of scientific theories of life-origins being taught in the public schools of North Carolina, particularly the balance between scientific theories of unassisted, spontaneous evolution and the scientific theories of special creation.

Referred to **Appropriations Committee**.

Senator Daniels moves that Rule 41 be suspended to allow the introduction and referral to committee of the following joint resolution, which motion prevails by a two-thirds majority vote.

By Senators Daniels, Thomas of Craven, Mills, Harrington, Soles, and Wright:

S. J. R. 724, a joint resolution directing the Legislative Research Commission to study rules and regulations pertaining to the Coastal Area Management Act.

Referred to **Appropriations Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 132, House Committee Substitute for Committee Substitute for **S. B. 132**, a bill to repeal the notice requirements and amend the statutes of limitations for claims against local units of government, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for Monday, June 29.

H. B. 303, a bill to amend G. S. 20-119 to delete the provision requiring an application in writing for a permit to operate an oversized or overweight vehicle.

Referred to **Transportation Committee**.

H. B. 1116, a bill to modify the membership of the State Fire Commission and to clarify the authority of the Commission.

Referred to **State Government Committee**.

H. B. 1217, a bill to increase the penalty for nonsupport.

Referred to **Judiciary I Committee**.

H. B. 1256, a bill to make it a felony to falsify Department of Transportation inspection reports.

Referred to **Judiciary II Committee**.

H. B. 1257, a bill concerning the number of persons permitted to ride on a motorcycle.

Referred to **Transportation Committee**.

H. B. 1258, a bill concerning the definition of mo-ped.

On motion of Senator Jenkins, the rules are suspended, and the bill is placed on the Calendar for today, immediately preceding **S. B. 278**.

H. B. 1262, a bill to amend Chapter 160A of the General Statutes to allow police and sheriffs to assist State law enforcement agencies.

Referred to **Law Enforcement and Crime Control Committee**.

H. B. 1268, a bill to remove 1.8897 acres of land from the corporate limits of the City of Salisbury to change the course of a portion of the existing City boundary and de-annex the property which lies on the northeast side of the new town boundary.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 1272, a bill to validate deeds filed on or before December 31, 1980.

Referred to **Judiciary I Committee**.

H. B. 1275, a bill to remove surety bond requirements for State officials.

Referred to **Judiciary II Committee**.

H. B. 1283, a bill to amend the School Budget and Fiscal Control Act as it applies to Pender County concerning approval of expenditures some or all of which are to be paid in ensuing fiscal years.

Referred to **Local Government and Regional Affairs Committee**.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

June 26, 1981

S. B. 443, House Committee Substitute for Committee Substitute No. 2 for **S. B. 443**, an act to provide for the management of hazardous and low-level radioactive waste in North Carolina.

S. B. 554, an act to increase the gasoline tax, the special fuels tax, and the tax on carriers using fuels purchased outside the State; to increase Powell Bill funds for municipalities; to provide for construction of secondary roads; to transfer sales and use taxes on motor vehicle parts, accessories and lubricants to the Highway Fund; to increase motor vehicles fees; to increase the registration fees on property hauling vehicles; and to establish fees for oversize and overweight vehicles.

S. B. 640, an act to repeal a local act concerning a vacancy in the office of Yadkin County sheriff.

S. B. 642, an act to prohibit hunting on the right-of-way of and shooting across SR-1600 in Craven County.

S. B. 660, an act authorizing the Town of Beaufort to regulate navigable waters within its boundaries.

S. B. 673, an act to increase the allowable number of trustees of Rex Hospital and to alter the method of appointment of said trustees.

S. B. 674, an act to add the Town of Marshall to Chapter 1190, Session Laws of 1979.

S. J. R. 684, a joint resolution honoring Frederick Douglas Alexander, a former member of the General Assembly.

H. B. 408, an act to increase the fees for the use of the courtroom and related judicial facilities.

H. B. 459, Committee Substitute for **H. B. 459**, an act to permit the Governor to accept permissive federal delegations of authority to take actions necessary to manage and to deal with an actual or impending energy resource shortage, to add to the membership of the Energy Policy Council and to provide for the confidentiality of certain data received by the Energy Division.

H. B. 623, an act to authorize counties to expend tax funds and exercise the power of eminent domain for purposes of public auditoriums, coliseums, and convention and civic centers and to otherwise authorize establishment and support of same.

H. B. 705, an act to amend the Charter of the Town of Nags Head to permit the regulation of tow truck operations.

H. B. 721, an act amending the charter of the City of Durham.

H. B. 743, an act to provide for State agencies to charge certain user fees.

H. B. 978, Committee Substitute for **H. B. 978**, an act to provide that actions to contest the validity of a county zoning ordinance must be brought within nine months of adoption of the ordinance.

H. B. 983, an act to require continuation and conversion privileges in group health insurance policies and plans.

H. B. 987, an act to amend Chapter 1, Civil Procedure — Limitations, of the General Statutes.

H. B. 999, Committee Substitute for **H. B. 999**, an act to permit the towing of unauthorized vehicles parked on State-owned public grounds within the City of Raleigh under the control of the Department of Administration.

H. B. 1018, an act to authorize physician extenders to perform physical examinations of prison inmates.

H. B. 1087, an act limiting the fox hunting season in Wayne County.

H. B. 1179, an act to authorize the Town of Lillington Board of Alcoholic Control to dispose of a reserve accumulated for the purpose of alcoholic education and rehabilitation.

H. B. 1205, an act to authorize the Onslow County Board of Education to convey certain property at private sale to Coastal Enterprises of Jacksonville, Inc.

H. B. 1242, an act to authorize the City Board of Alcoholic Control of the City of Lenoir to contract with the City of Lenoir to provide law enforcement of the liquor laws.

H. B. 1312, an act to make more certain the location of certain street rights-of-way in the Town of Princeville through the adoption of an official map of said streets.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H. B. 1258, a bill concerning the definition of mo-ped.

Senator Jenkins offers Amendment No. 1 which is adopted.

Senator Redman offers a motion that the bill, as amended, be referred to the **Finance Committee**, which motion fails to prevail.

Without objection, the following Senator is excused from voting for the stated reason:

Senator Allred: "My father-in-law owns a Honda motorcycle dealership."

The bill, as amended, passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger for concurrence in Senate Amendment No. 1.

Senator Redman rises to a point of parliamentary inquiry as to a required review of the bill, as amended, by the **Appropriations Committee** prior to consideration. The Chair rules in the negative.

S. B. 278, Committee Substitute for **S. B. 278**, a bill to redefine "moped" to include those with either operable pedals or a kick starter.

On motion of Senator Jenkins, consideration of the Committee Substitute bill is postponed until Wednesday, July 1.

S. B. 284, Committee Substitute for **S. B. 284**, a bill to increase the penalties for driving under the influence of intoxicating liquor.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 288, a bill to require reporting of motor vehicle violations committed by juveniles.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 495, Committee Substitute for **S. B. 495**, a bill creating the Asheville-Buncombe Charter Commission and providing for an election on the Consolidation of the Governments of the municipalities within and the County of Buncombe, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Daniels, Duncan, Garrison, Gray, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marvin, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Vickery, Walker, Ward, Warren, White, and Wright — 41.

The Committee Substitute bill is ordered sent to the House of Representatives.

S. B. 520, a bill to incorporate Section 1008 of Chapter X of Volume 1 Building Code, titled "Special Safety to Life Requirements Applicable to Existing High-Rise Buildings" into the General Statutes of North Carolina, for concurrence in House Amendment No. 1.

On motion of Senator Swain, the Senate concurs in House Amendment No. 1 and the bill is ordered enrolled.

S. B. 664, Committee Substitute for **S. B. 664**, a bill to authorize a binding referendum on the question of whether to raise the legal drinking age.

On motion of Senator Noble, the Committee Substitute bill is re-referred to the **Alcoholic Beverage Control Committee**.

Senator McDuffie moves that the vote by which the motion prevailed to re-refer the Committee Substitute bill to the **Alcoholic Beverage Control Committee** be reconsidered, which motion prevails.

Senator Royall, as Chairman of the **Ways and Means Committee**, requests a fiscal note. The Chair rules the request is proper and directs a fiscal note be prepared.

The Committee Substitute bill is placed on the Calendar for Tuesday, June 30.

S. B. 677, a bill regarding disciplinary hearings for engineers and surveyors.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 680, Committee Substitute for **S. B. 680**, a bill to set maximum punishment for certain speeding offenses.

Senator Jordan offers a motion to postpone consideration of the Committee Substitute bill until Tuesday, June 30, which motion fails to prevail.

The Committee Substitute bill passes its second reading.

On objection of Senator Allsbrook to its third reading, the Committee Substitute bill remains on the Calendar for further consideration.

S. B. 692, a bill to amend G. S. 143-34.12 so as to delay the repeal of the statutes on the 1981 sunset list from July 1, 1981, until July 31, 1981, as amended.

The bill, as amended, passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger.

H. B. 21, Committee Substitute for **H. B. 21**, a bill to make shooting into an occupied building with certain barreled weapons a felony, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Frye, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, Kincaid, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 42.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 243, Committee Substitute No. 2 for **H. B. 243**, a bill to amend the Juvenile Code to include prostitution within the definition of child abuse and to amend G. S. 7A-549 as it provides for physicians' authority to take emergency custody of and protect abused children.

The Committee Substitute bill No. 2 passes its second and third readings and is ordered enrolled.

H. B. 286, Senate Committee Substitute for Committee Substitute for **H. B. 286**, a bill to amend Chapter 90, Article 16, of the General Statutes relating to dental hygienists, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 41, noes 3, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Barnes, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Jordan, Kincaid, Lawing, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Soles, Speed, Swain, Thomas of Craven, Vickery, Ward, White, Wright, and Wynne — 41.

Voting in the negative: Senators Ballenger, Boger, and Smith — 3.

The Senate Committee Substitute bill remains on the Calendar upon third reading.

H. B. 287, Senate Committee Substitute for Committee Substitute for **H. B. 287**, a bill to amend Chapter 90, Article 2 of the General Statutes relating to dentists.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 295, Committee Substitute for **H. B. 295**, a bill to amend Chapter 90, Article 4 of the General Statutes, relating to pharmacy.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 603, Committee Substitute for **H. B. 603**, a bill to revise portions of the Fayetteville City Charter, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Daniels, Duncan, Garrison, Gray, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marvin, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Vickery, Walker, Ward, Warren, White, and Wright — 41.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

H. B. 685, Senate Committee Substitute for **H. B. 685**, a bill concerning election of the Brunswick County Board of Commissioners and the Brunswick County Board of Education.

Senator Soles offers Amendment No. 1 which is adopted.

The Senate Committee Substitute bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 782, a bill to amend the Constitution of North Carolina to authorize the General Assembly to provide for a direct appeal from the North Carolina Utilities Commission to the Supreme Court, upon second reading.

Senator Clarke offers Amendment No. 1 which is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marvin, McDuffie, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Vickery, Ward, White, Wright, and Wynne — 44.

Having received a three-fifths majority affirmative vote, the bill, as amended, remains on the Calendar upon third reading.

H. B. 893, a bill to require passenger restraint systems for children under four years of age, as amended, upon third reading.

Senator Daniels offers a motion that the bill, as amended, be recommitted to the **Human Resources Committee**, which motion fails to prevail.

Senator Daniels calls the previous question, duly seconded. The call is sustained.

Senator Daniels offers Amendment No. 2.

On motion of Senator Allsbrook, consideration of the bill, as amended, with pending Amendment No. 2, is postponed until Monday, June 29.

H. B. 915, a bill to substitute lists of licensed drivers for taxpayers as a source of names for jury lists, upon third reading.

The bill passes its third reading and is ordered enrolled.

H. B. 931, Committee Substitute for **H. B. 931**, a bill to make it unlawful for professional solicitors to solicit charitable contributions by telephone, upon second reading.

Senator Lawing offers Amendment No. 1 which is adopted.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 41, noes 2, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Jordan, Kincaid, Lawing, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Walker, Ward, White, and Wynne — 41.

Voting in the negative: Senators Barnes and Frye — 2.

The Committee Substitute bill, as amended, remains on the Calendar upon third reading.

H. B. 971, Senate Committee Substitute for **H. B. 971**, a bill to allow counties to treat several streets within the same subdivision as a unit in considering assessments for improvements of subdivision streets, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Frye, Gray, Hancock, Hardison, Harrington, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 42.

The Senate Committee Substitute bill is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 1041, Committee Substitute for **H. B. 1041**, a bill to amend G. S. 75-33 relating to representations of eligibility to win a prize.

On motion of Senator Hancock, Committee Amendment No. 1 is adopted.

On motion of Senator Hancock, consideration of the Committee Substitute bill, as amended, is postponed until Monday, June 29.

H. B. 1111, a bill to prohibit discovery and admissibility of actions of medical review committee meetings.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1121, a bill to amend Article V of the Constitution of North Carolina to permit the General Assembly to grant to appropriate public bodies in the State additional powers to develop new and existing seaports and airports, including powers to finance and refinance for public and private parties seaport and airport and related facilities and improvements, upon second reading.

Senator Clarke offers Amendment No. 1 which is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Harrington, Harris, Jenkins, Jernigan, Jordan, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Smith, Soles, Speed, Swain, Thomas of Craven, Walker, Ward, Warren, White, and Wright — 40.

Having received a three-fifths majority affirmative vote, the bill, as amended, remains on the Calendar upon third reading.

H. B. 1182, a bill to require an applicant for vehicle registration to certify that no delinquent property taxes are owed on the vehicle and that the vehicle has been listed for property taxes, upon third reading.

The bill passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Frye, Gray, Hancock, Hardison, Harrington, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 42.

The bill is ordered enrolled.

H. B. 1191, a bill regarding the declarant's and witnesses' certificates to a "living will."

On motion of Senator Johnson, consideration of the bill is postponed until Monday, June 29.

On motion of Senator Barnes, the bill is taken from the Calendar for Monday, June 29, and re-referred to the **State Government Committee**.

H. B. 1197, a bill to clarify the provisions of G. S. 115C-316 regarding salary and vacation of certain school employees.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1199, a bill to amend G. S. 115C-325 to provide for reduction in force of school employees due to lack of funds.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1204, Committee Substitute for **H. B. 1204**, a bill to define "counterfeit controlled substance" in the North Carolina Controlled Substances Act.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 1253, a bill to provide an extended deadline for creation for fiscal year 1981-82 of a municipal service district for beach erosion control or flood or hurricane protection, upon third reading.

The bill passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Frye, Gray, Hancock, Hardison, Harrington, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 42.

The bill is ordered enrolled.

S. B. 681, a bill to amend Chapters 96 and 84 of the General Statutes to permit persons supervised by attorneys to represent parties in proceedings before the Employment Security Commission.

Senator Hancock offers Amendment No. 1 which is adopted.

Senator Cockerham offers Amendment No. 2.

Senator Harris, seconded by Senator Alford, offers a motion that the Senate adjourn to reconvene Monday, June 29, at 8:00 P.M., which motion prevails.

The Chair declares the Senate stands adjourned.

ONE HUNDRED EIGHTEENTH DAY

SENATE CHAMBER,
Monday, June 29, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Robert Saunders, Gethsemane Baptist Church, Fayetteville.

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

June 29, 1981

The President grants a leave of absence to Senator Speed for tonight.

RE-REFERRAL

H. B. 1184, a bill to limit the annual increase in the number of State employees.

The Chair directs that the bill be taken from the **Ways and Means Committee** and re-referred to the **Rules and Operation of the Senate Committee**.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hardison for the **Appropriations Committee**:

S. B. 29, a bill to make appropriations for current operations of State departments, institutions, and agencies, and for other purposes, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hardison, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Hardison, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for tonight as Special Order No. 1.

S. B. 30, a bill to make appropriations to provide capital improvements for State departments, institutions and agencies, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hardison, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Hardison, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for tonight as Special Order No. 2.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Walker and Vickery:

S. B. 725, a bill to appropriate funds for the operation of the Weymouth Center in Moore County.

Referred to **Appropriations Committee**.

By Senator Gray:

S. B. 726, a bill to appropriate funds to the Department of Human Resources for the establishment of adult day care programs.

Referred to **Appropriations Committee**.

By Senator Gray:

S. B. 727, a bill to appropriate funds to the Department of Human Resources for a State adult care fund.

Referred to **Appropriations Committee.**

By Senator Jordan:

S. B. 728, a bill to provide military recruiter access to school records.

Referred to **Judiciary I Committee.**

Senator Mills moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Mills:

S. B. 729, a bill to extend the jurisdiction of police officers of the Town of Swansboro to two miles beyond the corporate limits.

Referred to **Local Government and Regional Affairs Committee.**

By Senator Walker:

S. B. 730, a bill to resolve a conflict between Chapter 501, Session Laws of 1981 and G. S. 105-282.1 concerning annual application for historic property exemption.

Referred to **Finance Committee.**

By Senators Gray, Hardison, Harrington, Garrison, and Cockerham:

S. B. 731, a bill to make various technical and clarifying changes to statutes concerning criminal law and procedure.

Referred to **Courts and Judicial Districts and Criminal Justice Committee.**

By Senators Royall, Hardison, and Jordan:

S. B. 732, a bill to create a Committee on Employee Hospital and Medical Benefits to formulate the hospital and medical insurance plan for State employees.

Referred to **Appropriations Committee.**

Senator Royall moves that Rules 40 and 41 be suspended to allow the introduction of the following joint resolution, which motion prevails by a two-thirds majority vote.

By Senators Royall and Lawing:

S. J. R. 733, a joint resolution setting the time for adjournment of the 1981 General Assembly, to reconvene in the fall of 1981 at a time to be determined by the President of the Senate, and the Speaker of the House, and then to adjourn and reconvene in June 1982; and limiting the subjects that may be considered in those sessions.

On motion of Senator Royall, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second reading.

Senator Vickery objects to the third reading of the joint resolution.

Senator Royall offers a motion that the rules be suspended to allow consideration of the joint resolution upon third reading tonight, which motion prevails.

The joint resolution passes its third reading and without objection, is ordered sent to the House of Representatives by Special Messenger.

Senator Hancock moves that Rule 40 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Hancock:

S. B. 736, a bill to amend G. S. 7A-289.24 and G. S. 7A-289.29 so as to provide that a guardian ad litem appointed pursuant to G. S. 7A-586 could petition for the termination of parental rights.

Referred to **Judiciary II Committee**.

Senator Wynne moves that Rules 40 and 41 be suspended to allow the introduction of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Wynne, Creech, and Johnson:

S. B. 738, a bill to revise the manner of election of the Wake County Board of Education.

On motion of Senator Wynne, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger.

Senator Harrington moves that Rule 40 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Harrington:

S. B. 739, a bill concerning the power of cities to require hookups to leased water and sewer lines.

Referred to **Human Resources Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 169, Committee Substitute
No. 3 for **H. B. 169**

House of Representatives
June 29, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Amendments Nos. 3 and 4 to **H. B. 169**, Committee Substitute No. 3 for **H. B. 169**, a bill to be entitled an act to provide that when vacancies occur in the offices of county commissioner, sheriff, register of deeds, coroner, or partisan school board races, the appointing board or person must appoint the person recommended by the political party executive committee of the vacating officer, and by requiring a district bar to nominate candidates for district court judges of the same party of the vacating judge, and requests conferees. The Speaker appointed Representatives Adams, C. Holt, Robinson, D. Clark, and W. Clark, on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
GRACE COLLINS
Principal Clerk

June 29, 1981

Senator Marion moves that the President appoint conferees, which motion prevails. The President appoints Senators Marion, Jernigan, Thomas of Henderson, Frye, and Wynne as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 321, House Committee Substitute for Committee Substitute for **S. B. 321**, a bill to allow persons to charge and collect processing fees for returned checks and to increase the processing costs for returned checks allowable in court actions, for concurrence in the House Committee Substitute bill which is placed on the Calendar for tomorrow, June 30.

S. B. 397, House Committee Substitute for Committee Substitute for **S. B. 397**, a bill to provide corneal tissue for transplant, for concurrence in the House Committee Substitute bill which is placed on the Calendar for tomorrow, June 30.

S. B. 560, a bill to amend Article 1 of Chapter 87 of the General Statutes as the same relates to builders of residential housing, for concurrence in House Amendments Nos. 1, 2, 3, and 4 which is placed on the Calendar for tomorrow, June 30.

S. B. 576, a bill regarding loan brokers, for concurrence in House Amendment No. 2 which is placed on the Calendar for tomorrow, June 30.

S. B. 683, a bill to provide for payment of the cost of elections on the question of formation of a new municipality or special district, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow, June 30.

S. B. 685, House Committee Substitute for **S. B. 685**, a bill to require consent of certain county boards of commissioners before land in those counties may be condemned or acquired by a unit of local government outside those counties, for concurrence in the House Committee Substitute which is placed on the Calendar for tomorrow, June 30.

H. B. 905, a bill to provide an individual income tax credit for child-care and other employment-related expenses.

Referred to **Ways and Means Committee**.

H. B. 964, a bill to amend the laws regulating sanitarians.

Referred to **State Government Committee**.

H. B. 1185, a bill to establish standards for the collection, use, and disclosure of information gathered in connection with insurance transactions by insurers, agents, and insurance-support organizations.

Referred to **Insurance Committee**.

H. B. 1211, Committee Substitute for **H. B. 1211**, a bill to increase the penalties for intentionally setting forest fires, to increase reward for evidence sufficient for conviction under forest fire statute, and to provide that reward be paid from the State Fire Suppression Fund.

Referred to **Judiciary II Committee**.

H. B. 1260, a bill to amend Chapters 96 and 84 of the General Statutes to permit persons supervised by attorneys to represent parties in proceedings before the Employment Security Commission.

On motion of Senator Soles, the rules are suspended, and the bill is placed on the Calendar for tonight, immediately preceding **S. B. 681**.

H. B. 1270, a bill to make the North Carolina Employment Security Law consistent with the Federal Social Security Act and Chapters 21 and 24 of the Internal Revenue Code.

Referred to **Finance Committee**.

H. B. 1276, a bill to amend Article 24A of Chapter 58 of the General Statutes, relating to mutual burial associations.

Referred to **Human Resources Committee**.

H. B. 1286, a bill amending the Health Care Facilities Finance Act (Chapter 131A of the General Statutes of North Carolina, As Amended) to permit the financing of facilities for the continuing care of the elderly and infirm.

Referred to **Human Resources Committee**.

H. B. 1288, a bill to make certain technical amendments to the Nurse Practice Act. Referred to **Human Resources Committee**.

H. B. 1294, a bill to raise the ceiling for reporting names of political contributors. Referred to **Election Laws Committee**.

H. B. 1297, a bill to substantially reenact the power of county boards of commissioners to reapportion themselves because of substantial population inequality where the voters of a district nominate or elect the commissioner.

Referred to **Election Laws Committee**.

H. B. 1302, a bill to allow the Town of Tarboro to approve without incurring any obligation therefor the formation of a nonprofit corporation that may issue bonds and lend the proceeds to a developer for use in furtherance of the provisions of an Urban Development Action Grant.

On motion of Senator Allsbrook, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1305, a bill to allow an exemption from net income for a blind dependent. Referred to **Finance Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

SPECIAL ORDER NO. 1

S. B. 29, Committee Substitute for **S. B. 29**

The hour having arrived for the consideration of Special Order No. 1, the President of the Senate lays before the Senate Special Order No. 1, it being **S. B. 29**, Committee Substitute for **S. B. 29**, a bill to make appropriations for current operations of State departments, institutions, and agencies, and for other purposes.

Senator Kincaid offers Amendment No. 1 which he subsequently withdraws.

The Committee Substitute bill passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger.

SPECIAL ORDER NO. 2

S. B. 30, Committee Substitute for S. B. 30

The hour having arrived for the consideration of Special Order No. 2, the President of the Senate lays before the Senate Special Order No. 2, it being S. B. 30, Committee Substitute for S. B. 30, a bill to make appropriations to provide capital improvements for State departments, institutions and agencies.

Senator Rauch offers Amendment No. 1 which fails of adoption.

The Committee Substitute bill passes its second reading.

On objection of Senator Kincaid to its third reading the Committee Substitute bill remains on the Calendar for tomorrow, June 30, for further consideration.

S. B. 191, Committee Substitute for S. B. 191, a bill to allow certain counties and municipalities to prohibit or regulate the possession and consumption of beer and wine, as amended, upon third reading.

Senator Marion offers Amendment No. 2 which is adopted.

The Committee Substitute bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives.

S. B. 29, Committee Substitute for S. B. 29, a bill to make appropriations for current operations of State departments, institutions, and agencies, and for other purposes.

Senator Royall offers a motion that the Committee Substitute bill be recalled from the House of Representatives for further consideration, which motion prevails.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S. B. 29

House of Representatives

June 29, 1981

Mr. President:

Pursuant to your request, we are returning S. B. 29, a bill to make appropriations for current operations of State departments, institutions, and agencies, and for other purposes, for your further consideration.

Respectfully,

GRACE COLLINS

Principal Clerk

Senator Royall offers a motion that the rules be suspended to allow the Committee Substitute bill placed before the Senate for immediate consideration, which motion prevails.

Senator Royall moves that the vote by which the Committee Substitute bill passed its third reading be reconsidered, which motion prevails.

June 29, 1981

On motion of Senator Royall, the Committee Substitute bill remains on the Calendar for tomorrow, June 30 for further consideration, upon third reading.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 206, House Committee Substitute for **S. B. 206**, an act to extend time limitations for proof in asbestosis and silicosis claims.

S. B. 520, an act to incorporate Section 1008 of Chapter X of Volume 1 Building Code, titled "Special Safety to Life Requirements Applicable to Existing High-Rise Buildings" into the General Statutes of North Carolina.

S. B. 574, Committee Substitute for **S. B. 574**, an act concerning the visitation rights of grandparents.

S. B. 646, an act to amend G. S. 20-119 relating to special permits for vehicles of excessive size or weight.

S. B. 661, an act to allow the County of Craven to use the provisions of Chapter 136 of the General Statutes in condemnation proceedings.

S. B. 692, an act to amend G. S. 143-34.12 so as to delay the repeal of the statutes on the 1981 sunset list from July 1, 1981, until July 31, 1981.

H. B. 243, Committee Substitute No. 2 for **H. B. 243**, an act to amend the Juvenile Code to include prostitution within the definition of child abuse and to amend G. S. 7A-549 as it provides for physicians' authority to take emergency custody of and protect abused children.

H. B. 295, Committee Substitute for **H. B. 295**, an act to amend Chapter 90, Article 4 of the General Statutes, relating to pharmacy.

H. B. 593, an act to regulate the disposal of hazardous wastes and radioactive material in Anson County.

H. B. 897, an act to raise the threshold amount of construction, repair, or supply purchase contracts for which informal bids are required.

H. B. 915, an act to substitute lists of licensed drivers for taxpayers as a source of names for jury lists.

H. B. 923, an act to allow the Department of Cultural Resources to charge certain fees with the approval of the Historical Commission.

H. B. 969, an act to amend the Nursing Home Administrator Act.

H. B. 1082, an act to amend the size and interest rate restrictions on mutual insurance company guaranty capital.

H. B. 1110, an act to include the Division of Forest Resources in the list of claimant agencies in the Setoff Debt Collection Act.

H. B. 1111, an act to prohibit discovery and admissibility of actions of medical review committee meetings.

H. B. 1125, an act concerning weight limits for motor vehicles hauling forest products.

H. B. 1165, an act to amend G. S. 20-79.2 relating to transporter registration.

H. B. 1182, an act to require an applicant for vehicle registration to certify that no delinquent property taxes are owed on the vehicle and that the vehicle has been listed for property taxes.

H. B. 1183, an act amending the law relating to chains on hunting traps.

H. B. 1197, an act to clarify the provisions of G. S. 115C-316 regarding salary and vacation of certain school employees.

H. B. 1199, an act to amend G. S. 115C-325 to provide for reduction in force of school employees due to lack of funds.

H. B. 1204, Committee Substitute for **H. B. 1204**, an act to define "counterfeit controlled substance" in the North Carolina Controlled Substances Act.

H. B. 1253, an act to provide an extended deadline for creation for fiscal year 1981-82 of a municipal service district for beach erosion control or flood or hurricane protection.

On motion of Senator Lawing, seconded by Senator Allsbrook, the Senate adjourns to meet tomorrow at 1:30 P.M.

ONE HUNDRED NINETEENTH DAY

SENATE CHAMBER,
Tuesday, June 30, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Honorable Ollie Harris, Senator from Cleveland County.

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 30, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House of Representatives has confirmed the following Governor's appointments to the State Personnel Commission:

Mr. Earl Tate
50 Meadowwood Apts.
Lenoir, N.C.

June 30, 1981

Mr. Billy Horne
Box 325
Stedman, N.C.

Respectfully,
GRACE COLLINS
Principal Clerk

S. B. 24

House of Representatives
June 29, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **S. B. 24**, House Committee Substitute for Committee Substitute No. 2 for **S. B. 24**, a bill to be entitled an act for equitable distribution of marital property, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
GRACE COLLINS
Principal Clerk

S. B. 50

House of Representatives
June 29, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **S. B. 50**, a bill to be entitled an act to place the phrase "First in Flight" and a representation of the Wright Brothers' airplane on registration plates, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
GRACE COLLINS
Principal Clerk

H. B. 169

House of Representatives
June 29, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **H. B. 169**, Committee Substitute No. 3 for **H. B. 169**, a bill to be entitled an act to provide that when vacancies occur in the offices of county commissioner, sheriff, register of deeds, coroner, or partisan school board races, the appointing board or person must appoint the person recommended by the political party executive committee of the vacating officer, and by requiring a district bar to nominate candidates for district court judges of the same party of the

vacating judge, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
GRACE COLLINS
Principal Clerk

CONFERENCE REPORTS

S. B. 24, House Committee Substitute for S. B. 24

Senator Barnes, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **S. B. 24, House Committee Substitute for Committee Substitute No. 2 for S. B. 24**, a bill to be entitled an act for equitable distribution of marital property, submits the following report:

To the President of the Senate
and the Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on the House Committee Substitute adopted May 14, 1981, to Senate Bill 24, a bill to be entitled an act for equitable distribution of marital property, wish to report as follows:

The Senate adopt the House Committee Substitute adopted by the House on May 14, 1981 to the Senate bill;

and the House and Senate adopt the following amendments to that Committee Substitute:

on page 2, lines 6 through 8, by deleting the words "unless the property has been placed in joint ownership by one or both of the parties" and substituting in lieu thereof the words "regardless of whether the title is in the name of the husband or wife or both";

and on page 3 lines 12 through 14, by rewriting subdivision (5) to read:

"(5) vested pension or retirement rights and the expectation of nonvested pension or retirement rights, which are separate property;"

and on page 7, lines 22 through 25, by deleting the sentence beginning with the words "A trial" and substituting in lieu thereof the following sentence:

"Nothing in G. S. 50-20 or this section shall restrict or extend the right to trial by jury as provided by the Constitution of North Carolina.";

and on page 7, line 26, by adding a new sentence after the period to read:

"Real or personal property located outside of North Carolina is subject to equitable distribution in accordance with the provisions of G. S. 50-20 and the court may include in its order appropriate provisions to insure compliance with the order of equitable distribution.";

and on page 7, line 27, and page 8, lines 1 and 2, by rewriting Section 7 to read:

"This act shall become effective October 1, 1981, and shall apply only when an absolute divorce is granted on or after that date."

June 30, 1981

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the day of

HENSON P. BARNES
HELEN R. MARVIN
WILLIAM A. CREECH
ROYCE P. THOMAS
JAMES D. SPEED

*Conferees on the part
of the Senate*

PATRICIA S. HUNT
W. PAUL PULLEY, JR.
ALLEN BARBEE
MARGARET HAYDEN
JIM MORGAN

*Conferees on the part
of the House of Representatives*

Senator Swain requests that an engrossed copy of the bill be made available prior to consideration of the Conference Report, which the Chair orders, without objection. The Conference Report remains on the Calendar for tomorrow, July 1, for further consideration.

S. B. 50

Senator Barnes, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon S. B. 50, a bill to be entitled an act to place the phrase "First in Flight" and a representation of the Wright Brothers' airplane on registration plates, submits the following report:

To the President of the Senate
and the Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on S. B. 50, a bill to be entitled an act to place the phrase "First in Flight" and a representation of the Wright Brothers' airplane on registration plates, wish to report as follows:

The House recedes from Amendment No. 1 and the conferees recommend that the bill be changed on page 1, line 7, by deleting the word "Every" and adding in lieu thereof the following: "Subject to the provisions hereof, every private passenger vehicle and all private hauler vehicles licensed for 4000 pounds gross weight"; and

Further recommends on page 1, line 8, before the figure "1982" by adding the following: "January 1"; and

Further recommends on page 1, line 12 after the "period" by adding the following: "The Department shall deplete the license plates in stock, on order, or for which a contract has been signed at the time of the ratification of this bill. Until all of the license plates previously referred to have been depleted, all plates issued to replace faded, worn-out or damaged plates shall be regular plates. Any person desiring to trade in a regular plate and thereby secure a First in Flight plate may do so by paying the fee provided in G. S. 20-85(5). As soon as feasible, but not later than July 1, 1983, all newly issued plates shall be issued as First in Flight plates; and as soon as feasible, but not later than January 1, 1984, all Special Issue, official and personalized plates shall be issued as First in Flight plates.

Beginning July 1, 1983, the Department shall, as the same comes up for renewal, begin systematically replacing all regular license plates with First in Flight license

plates beginning with the oldest series of existing plates and continuing thereafter on a staggered basis.

To this end the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 24th day of June, 1981.

HENSON BARNES, *Chairman*

MELVIN R. DANIELS, JR.

J. J. HARRINGTON

*Conferees on the part
of the Senate*

CHARLES EVANS, *Chairman*

MARTIN LANCASTER

DANIEL T. LILLEY

*Conferees on the part
of the House of Representatives*

On motion of Senator Barnes, the Conference Report is adopted and the bill is ordered enrolled. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H. B. 169, Committee Substitute No. 3

Senator Frye, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H. B. 169**, Committee Substitute No. 3 for **H. B. 169**, a bill to be entitled an act to provide when vacancies occur in the offices of county commissioner, sheriff, register of deeds, coroner, or partisan school board races, the appointing board or person must appoint the person recommended by the political party executive committee of the vacating officer, and by requiring a district bar to nominate candidates for district court judges of the same party of the vacating judge, submits the following report:

To the President of the Senate

and the Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on **H. B. 169**, Committee Substitute No. 3 for **H. B. 169**, a bill to be entitled an act to provide that when vacancies occur in the offices of county commissioner, sheriff, register of deeds, coroner, or partisan school board races, the appointing board or person must appoint the person recommended by the political party executive committee of the vacating officer, and by requiring a district bar to nominate candidates for district court judges of the same party of the vacating judge, wish to report as follows:

The Senate recedes from its Amendment No. 4 and inserts the following revised amendment in its place:

"amend the bill on page 7, line 23 by deleting the words: 'Ashe, Avery,';

further amend the bill on page 8, line 1 by deleting the word 'Surry,';

further amend the bill on page 8, line 2 by deleting the words: 'Watauga, Wilkes, Yadkin,'."

and the House agrees with the same.

The House recedes from its non-concurrence in Senate Amendment No. 3 and concurs in the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the day of

GEORGE W. MARION, JR.

GLENN R. JERNIGAN

R. P. THOMAS

ROBERT W. WYNNE

HENRY E. FRYE

*Conferees on the part
of the Senate*

ALLEN ADAMS

GEORGE S. ROBINSON

CHARLES HOLT

DOUGLAS A. CLARK

*Conferees on the part
of the House of Representatives*

On motion of Senator Frye, the Conference Report is adopted and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

RE-REFERRALS

H. B. 1050, Committee Substitute for **H. B. 1050**, a bill to regulate the practice of pharmacy.

Without objection, the Chair directs that the Committee Substitute bill be taken from the **Small Business Committee** and re-referred to the **State Government Committee**.

H. B. 1235, a bill to regulate hunting and fishing on the registered property of another.

On motion of Senator Thomas of Craven the bill is taken from the **Natural and Economic Resources and Wildlife Committee** and re-referred to the **Finance Committee**.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Noble for the **Alcoholic Beverage Control Committee**:

S. B. 591, a bill to prohibit certain liquor sales in areas of satellite annexation which would not have been lawful if not for the annexation, with an unfavorable report.

By Senator Mills for the **Banking Committee**:

H. B. 952, a bill to insure that finance charges or interest is imposed only on the past-due balance of credit card accounts, with a favorable report, as amended.

By Senator Harris for the **Human Resources Committee**:

S. B. 739, a bill concerning the power of cities to require hookups to leased water and sewer lines, with a favorable report.

On motion of Senator Harrington, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger.

H. B. 1216, Committee Substitute for **H. B. 1216**, a bill to allow the preservation of the home place, with a favorable report, as amended.

H. B. 1233, a bill to amend the Emergency Services Act of 1973 relating to administration of epinephrine by trained lay persons in emergency situations caused by insect stings, with a favorable report.

On motion of Senator Harris, the bill is re-referred to the **Appropriations Committee**.

H. B. 1288, a bill to make certain technical amendments to the Nurse Practice Act, with a favorable report.

By Senator Mathis for the **Insurance Committee**:

H. B. 370, Committee Substitute for **H. B. 370**, a bill to clarify the provisions relating to territorial rating in nonfleet private passenger automobile insurance, with a favorable report.

H. B. 1185, a bill to establish standards for the collection, use, and disclosure of information gathered in connection with insurance transactions by insurers, agents, and insurance-support organizations, with a favorable report, as amended.

By Senator Allsbrook for the **Judiciary I Committee**:

S. B. 728, a bill to provide military recruiter access to school records, with a favorable report.

H. B. 1068, Committee Substitute for **H. B. 1068**, a bill to make technical changes to the Private Protective Services Act, with a favorable report.

H. B. 1152, a bill regarding the award of attorneys' fees in caveat proceedings which have substantial merit, with a favorable report.

H. B. 1168, a bill to make clear that the State may be either a third party plaintiff or defendant in certain actions, with a favorable report.

H. B. 1272, a bill to validate deeds filed on or before December 31, 1980, with a favorable report.

By Senator Soles for the **Judiciary II Committee**:

S. B. 736, a bill to amend G. S. 7A-289.24 and G. S. 7A-289.29 so as to provide that a guardian ad litem appointed pursuant to G. S. 7A-586 could petition for the termination of parental rights, with a favorable report.

H. B. 118, a bill to require the reporting of complete and accurate criminal histories to the State Bureau of Investigation, with a favorable report, as amended.

H. B. 122, Committee Substitute for **H. B. 122**, a bill to require forfeiture of any gain resulting from a felony, with a favorable report, as amended.

H. B. 669, a bill to allow housing authority tenants to serve as Authority commissioners, with a favorable report, as amended.

H. B. 748, Committee Substitute for **H. B. 748**, a bill regulating the purchase, or exchange of supplies, equipment and materials by local boards of education in certain counties, with a favorable report, as amended.

H. B. 1209, a bill to amend Chapter 90, Article 6 of the General Statutes relating to the practice of optometry, with a favorable report.

H. B. 1256, a bill to make it a felony to falsify Department of Transportation inspection reports, with a favorable report.

By Senator Creech for the **Judiciary III Committee**:

H. B. 1229, a bill to remove barriers to coordinating human service and volunteer transportation, with a favorable report.

By Senator Raynor for the **Law Enforcement and Crime Control Committee**:

S. B. 595, a bill to regulate dealers in secondhand goods, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Raynor, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Raynor, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Finance Committee**.

By Senator Lawing for the **Rules and Operation of the Senate Committee**:

H. B. 1184, a bill to limit the annual increase in the number of State employees, with a favorable report.

On motion of Senator Lawing, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second reading.

On objection of Senator Lawing to its third reading the bill remains on the Calendar for further consideration.

By Senator Barnes for the **State Government Committee**:

S. B. 505, a bill to create employment opportunities for blind and severely handicapped persons by assuring a market for products provided by them, with a favorable report.

S. B. 666, a bill to define the term "school" for the purposes of enforcement of the compulsory attendance laws, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Barnes, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Barnes, the Committee Substitute bill is adopted.

On motion of Senator Marvin, the Committee Substitute bill remains before the Senate for further consideration.

Senator Allsbrook offers a motion that the Committee Substitute bill be re-referred to the **Education Committee**, which he subsequently withdraws.

The Committee Substitute bill passes its second reading.

On objection of Senator Wright to its third reading the Committee Substitute bill remains on the Calendar for further consideration.

S. B. 698, a bill to codify the rules of evidence, with an unfavorable report as to bill, but favorable as to Committee Substitute joint resolution.

On motion of Senator Barnes, the rules are suspended and the Committee Substitute joint resolution, which changes the bill to a joint resolution and changes the title to read **S. J. R. 698**, a joint resolution directing the Legislative Research Commission to continue its study of the Laws of Evidence, is placed before the Senate for immediate consideration.

June 30, 1981

On motion of Senator Barnes, the Committee Substitute joint resolution is adopted, and on his further motion is re-referred to the **Appropriations Committee**.

S. B. 704, a bill to amend G. S. 147-62 to provide for assignments of claims against the State for cancer or intensive care insurance, with a favorable report.

H. B. 96, Committee Substitute for **H. B. 96**, a bill to amend G. S. 20-24 concerning reports of convictions sent to the Division of Motor Vehicles, with a favorable report, as amended.

H. B. 1116, a bill to modify the membership of the State Fire Commission and to clarify the authority of the Commission, with a favorable report.

H. B. 1191, a bill regarding the declarant's and witnesses' certificates to a "living will," with a favorable report.

By Senator Harrington for the **Transportation Committee**:

S. B. 721, a bill concerning the bridge replacement program, with a favorable report.

On motion of Senator Duncan, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger.

NOTIFICATION OF RECALL FROM COMMITTEE

H. B. 7, Committee Substitute for **H. B. 7**

Pursuant to Rule 47, Senator Soles notifies the Senate of his intention to offer a motion to suspend the rules to recall **H. B. 7**, Committee Substitute for **H. B. 7**, a bill to repeal the provisions for recoupment surcharges against clean risks, to extend the cap on automobile insurance rate increases for two years, and to equate said cap with the Consumer Price Index, from the **Insurance Committee** and place the bill before the Senate for consideration, tomorrow, July 1.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time and disposed of as follows:

By Senator Garrison:

S. B. 734, a bill to authorize the issuance of two hundred twenty million dollars in bonds of the State to provide funds for environmental improvement through grants to units of government for construction and improvement of wastewater treatment works, wastewater collection systems and water supply systems.

Referred to **Finance Committee**.

By Senator Hancock:

S. B. 735, a bill to appropriate funds for community based intermediate care facilities for the mentally retarded.

Referred to **Appropriations Committee**.

By Senators Boger, Smith, and Cockerham:

S. B. 737, a bill limiting gifts from certain contractors, subcontractors, and suppliers to elected officials.

Referred to **Rules and Operation of the Senate Committee**.

By Senator Noble:

S. B. 740, a bill to regulate the compensation paid to members of the State Highway Patrol Division and the Alcohol Law Enforcement Division of the Department of Crime Control and Public Safety for administratively unavoidable overtime work.

Referred to **Law Enforcement and Crime Control Committee**.

By Senator Noble:

S. B. 741, a bill to provide a new superior court judge for the Sixteenth Judicial District.

Referred to **Courts and Judicial Districts and Criminal Justice Committee**.

Senator Thomas of Craven moves that Rule 40 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

S. B. 742, a bill to control underground injection.

Referred to **Natural and Economic Resources and Wildlife Committee**.

Senator Hardison moves that Rules 40 and 41 be suspended to allow the introduction of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Hardison:

S. B. 744, a bill to authorize the Director of the Budget to continue expenditures for the operation of State government at the level in effect on June 30, 1981.

On motion of Senator Hardison, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and, without objection, is ordered sent to the House of Representatives by Special Messenger.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 323, House Committee Substitute for **S. B. 323**, a bill to validate certain marriages, for concurrence in the House Committee Substitute bill which is placed on the Calendar for tomorrow, July 1.

H. B. 516, a bill to prohibit bear hunting in Pamlico County from July 1, 1981 until July 1, 1983.

Referred to **Natural and Economic Resources and Wildlife Committee**.

H. B. 542, a bill to require persons hunting on the land of another to have permission of the landowner in Gates County.

Referred to **Natural and Economic Resources and Wildlife Committee**.

H. B. 549, a bill to provide that the Guilford County Board of Education shall be elected on the nonpartisan primary and election method.

Referred to **Election Laws Committee**.

H. B. 628, Committee Substitute for **H. B. 628**, a bill to amend the Carolina Beach Charter to provide for popular election of the mayor and to change from the plurality method to the election and runoff election method.

Referred to **Election Laws Committee**.

H. B. 1122, a bill to amend the Local Government Finance Act to allow the Local Government Commission to charge fees for services rendered on other than general obligation bonds.

Referred to **Finance Committee**.

H. B. 1215, a bill to raise the excise taxes on intoxicating liquors.

Referred to **Finance Committee**.

H. B. 1284, a bill to amend Part 10 of Article 10 of Chapter 143B of the General Statutes of North Carolina, relating to the North Carolina State Ports Authority, as to the issuance of bonds and notes and the financing of facilities and improvements for private parties.

Referred to **Finance Committee**.

H. B. 1291, a bill to amend Chapter 116, Article 23, of the General Statutes, pertaining to the State Education Assistance Authority for the purpose of authorizing the making of parental loans to aid resident students in pursuing their education beyond the high school level.

On motion of Senator Walker, the rules are suspended and the bill is placed on the Calendar for Wednesday, July 1.

H. B. 1303, a bill to permit the Town of Mebane to impose a tax on automobiles of three dollars.

Referred to **Finance Committee**.

H. B. 1307, a bill to allow the Town of Plymouth to collect on motor vehicles a tax of not more than five dollars.

Referred to **Finance Committee**.

H. B. 1316, a bill to prohibit the taking of bears in Bladen County by the use of bait.

Referred to **Natural and Economic Resources and Wildlife Committee**.

H. B. 1318, a bill to amend Chapter 437, Session Laws of 1977 to permit professional boxing in Pitt County.

On motion of Senator White, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second reading.

Senator Wynne offers Amendment No. 1 which is adopted.

The bill, as amended, passes its third reading and is ordered returned to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1320, a bill to abolish the office of coroner in Richmond County.

Referred to **Human Resources Committee**.

H. B. 1324, Committee Substitute for **H. B. 1324**, a bill to provide for inclusion in the North Carolina motor vehicle reinsurance facility of insurance limits required by the United States Department of Transportation.

Referred to **Insurance Committee**.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 54, Committee Substitute for **S. B. 54**, an act to permit the creation of a supplemental retirement plan for certain policemen of the City of Asheville at such time as members of the Asheville Policemen's Pension and Disability Fund elect to participate in the North Carolina Local Governmental Employees' Retirement System.

S. B. 610, an act to raise the examination fee for psychologists.

S. B. 637, an act to increase fees to be paid to the State Licensing Board for general contractors.

S. B. 659, an act protecting waterfowl within a 500 yard radius of the Rocky Mount Tar River Reservoir in Nash County.

S. B. 708, an act to provide continuity for election procedures in the event of court rulings.

S. B. 738, an act to revise the manner of election of the Wake County Board of Education.

S. B. 744, an act to authorize the Director of the Budget to continue expenditures for the operation of State government at the level in effect on June 30, 1981.

H. B. 1043, an act to amend Chapter 721 of the 1979 Session Laws relating to hunting with rifles in certain townships of Moore County.

H. B. 1129, an act to correct technical errors in G. S. 141-7.1.

H. B. 1151, an act to have addresses added to judgment docket entries and to provide for timely entry of payment on the judgment docket.

H. B. 1186, an act to require prices of all mixed beverages to be printed.

H. B. 1220, Committee Substitute for **H. B. 1220**, an act to amend the liquor taxation statutes to conform to the revision of the alcoholic beverage control laws enacted by Chapter 412 of the 1981 Session Laws, and to make technical and clarifying changes to Chapter 412.

H. B. 1302, an act to allow the Town of Tarboro to approve without incurring any obligation therefor the formation of a nonprofit corporation that may issue bonds and lend the proceeds to a developer for use in furtherance of the provisions of an Urban Development Action Grant.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

Upon motion of Senator Hardison the following bills on today's Calendar are considered prior to the unfinished business of Monday, June 29.

S. B. 29, Committee Substitute for **S. B. 29**, a bill to make appropriations for current operations of State departments, institutions, and agencies, and for other purposes, upon third reading.

Senator Redman offers Amendment No. 2.

Senator Hardison, seconded by Senator Royall, offers a motion that Amendment No. 2 do lie upon the table.

Senator Kincaid calls for the "ayes" and "noes" on the motion to table Amendment No. 2. The call is sustained. The motion prevails by roll-call vote, ayes 29, noes 20, as follows:

Voting in the affirmative: Senators Alford, Creech, Daniels, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Lawing, Marvin, Mathis, Mills, Palmer, Rauch, Raynor, Royall, Soles, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, and Warren — 29.

Voting in the negative: Senators Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Duncan, Kincaid, Marion, McDuffie, Noble, Redman, Smith, Speed, Swain, White, and Wright — 20.

Amendment No. 2 lies upon the table.

The Committee Substitute bill passes its third reading and is ordered, without objection, sent to the House of Representatives by Special Messenger.

S. B. 30, Committee Substitute for **S. B. 30**, a bill to make appropriations to provide capital improvements for State departments, institutions and agencies, upon third reading.

Senator Rauch offers Amendment No. 2. Senator Hardison calls the previous question, seconded by Senator Rauch. The call is sustained. Amendment No. 2 fails of adoption.

Senator Cockerham offers Amendment No. 3 which fails of adoption.

The Committee Substitute bill passes its third reading and is ordered, without objection, sent to the House of Representatives by Special Messenger.

Bills and resolutions on the Calendar, carried forward as unfinished business are taken up and disposed of as follows:

S. J. R. 462, Committee Substitute for **S. J. R. 462**, a joint resolution memorializing the county commissioners of the State to increase the manpower in the sheriff's departments.

On motion of Senator Raynor, Committee Amendment No. 1 is adopted.

The Committee Substitute joint resolution, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. J. R. 648, a joint resolution honoring the life and work of Paul Green, North Carolina's former Dramatist Laureate.

The joint resolution passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 657, a bill to amend G. S. 24-11 relating to revolving credit.

On motion of Senator Harris, Committee Amendments No. 1 and No. 2 are adopted.

Senator Johnson offers Amendment No. 3. Senator Vickery offers a motion that the bill with pending Amendment No. 3 be recommitted to the **Banking Committee**, which he subsequently withdraws. Without objection, Senator Johnson withdraws Amendment No. 3.

Senator Harris calls the previous question, duly seconded.

Without objection the following Senators are excused from voting for the stated reasons:

Senator Allsbrook: "I am a bank stockholder and have interest."

Senator Frye: "Bill relates to interest rates on credit cards—I am an executive officer of a bank that may be affected thereby."

Senator Royall: (No reason stated)

Senator White: "Conflict of interest."

The bill, as amended, fails to pass its second reading.

S. B. 680, Committee Substitute for **S. B. 680**, a bill to set maximum punishment for certain speeding offenses, upon third reading.

Senator Thomas of Craven offers Amendment No. 1 which is adopted.

Senator Hardison, as Chairman of the Appropriations Committee, requests a fiscal note. The Chair directs that a fiscal note be prepared, and the Committee Substitute bill, as amended, is placed on the Calendar for Thursday, July 2.

H. B. 1260, a bill to amend Chapters 96 and 84 of the General Statutes to permit persons supervised by attorneys to represent parties in proceedings before the Employment Security Commission.

Senator Cockerham offers Amendment No. 1 which fails of adoption.

Senator Hancock calls the previous question, seconded by Senator Garrison. The call is sustained.

The bill passes its second and third readings and is ordered enrolled.

S. B. 681, a bill to amend Chapters 96 and 84 of the General Statutes to permit persons supervised by attorneys to represent parties in proceedings before the Employment Security Commission, as amended, with pending Amendment No. 2.

Without objection, the bill, as amended, with pending Amendment No. 2, is placed on the Calendar for Wednesday, July 1.

S. J. R. 693, a joint resolution pertaining to the adequacy, reliability and economy of electric power in the northeast region of the State of North Carolina.

The joint resolution passes its second reading.

On motion of Senator Harrington, the joint resolution is re-referred to the **Appropriations Committee**.

S. B. 694, a bill defining eligibility for membership on the State Board of Education.

On motion of Senator Hardison, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 703, a bill to amend the membership of the North Carolina Council for the Hearing Impaired.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 705, a bill to amend Chapter 116, Article 23, of the General Statutes, pertaining to the State Education Assistance Authority for the purpose of authorizing the making of parental loans to aid resident students in pursuing their education beyond the high school level, upon second reading.

On motion of Senator Walker, consideration of the bill is postponed until Wednesday, July 1, to be placed on the Calendar immediately following **H. B. 1291**.

S. B. 706, Committee Substitute for **S. B. 706**, a bill to amend the North Carolina Health Planning and Resource Development Act of 1978 concerning exemptions.

Senator Lawing offers Amendment No. 1 which is adopted.

Senator Ward offers Amendment No. 2 which is adopted.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 713, a bill to amend G. S. 163-106(d) to require that candidates for the State Senate indicate vacancy when filing.

On motion of Senator Rauch, consideration of the bill is postponed until Thursday, July 2.

S. B. 718, a bill to authorize sanitary districts to acquire, construct, maintain and operate sewage collection and disposal systems, water supply systems, water purification or treatment plants and other utilities to provide service outside the corporate limits of such districts and to validate prior actions by such districts with respect to such facilities, upon third reading.

The bill passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, and Wright — 45.

The bill is ordered, without objection, sent to the House of Representatives by Special Messenger.

H. J. R. 156, Committee Substitute for **H. J. R. 156**, a joint resolution honoring the life and service of William M. Fulton.

The Committee Substitute joint resolution passes its second and third readings and is ordered enrolled.

H. B. 284, Committee Substitute for **H. B. 284**, a bill to amend Article 7 of Chapter 74 concerning the Mining Act of 1971, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, and Wright — 44.

The Committee Substitute bill remains on the Calendar upon third reading.

H. B. 286, Senate Committee Substitute for Committee Substitute for **H. B. 286**, a bill to amend Chapter 90, Article 16, of the General Statutes relating to dental hygienists, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 39, noes 2, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Ballenger, Barnes, Boger, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, Kincaid, Marion, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Royall, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, and Wright — 39.

Voting in the negative: Senators Redman and Smith — 2.

The Senate Committee Substitute bill is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 288, Committee Substitute for **H. B. 288**, a bill to amend Chapter 84 of the General Statutes of North Carolina relating to the North Carolina State Bar and to remove Article 4 of that Chapter from the automatic termination provisions of G. S. 143-34.12, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Smith, Soles, Speed, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, and Wright — 42.

The Committee Substitute bill remains on the Calendar upon third reading.

H. B. 415, Committee Substitute for **H. B. 415**, a bill to apportion the districts of the North Carolina House of Representatives.

The Committee Substitute bill passes its second reading.

On objection of Senator Walker to its third reading, the Committee Substitute bill remains on the Calendar for further consideration.

H. B. 438, a bill to authorize members of occupational licensing boards to receive reimbursement for travel and subsistence expenses on the same basis as State boards and commissions.

The bill passes its second and third readings and is ordered enrolled.

H. B. 782, a bill to amend the Constitution of North Carolina to authorize the General Assembly to provide for a direct appeal from the North Carolina Utilities Commission to the Supreme Court, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, and Wright — 43.

Having received a three-fifths majority affirmative vote, the bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. J. R. 819, a joint resolution memorializing the Federal Reserve Board to shift its policies on credit.

The joint resolution passes its second and third readings and is ordered enrolled.

H. B. 893, a bill to require passenger restraint systems for children under four years of age, as amended, with pending Amendment No. 2, upon third reading.

Amendment No. 2, offered by Senator Daniels, is adopted.

Senator Jenkins offers Amendment No. 3 which is adopted.

The bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1, No. 2, and No. 3.

H. J. R. 913, a joint resolution honoring the life and memory of L. R. Harrill by recognizing the North Carolina 4-H Honor Club during its Golden Anniversary of active

service to 4-H and youth.

The joint resolution passes its second and third readings and is ordered enrolled.

H. B. 931, Committee Substitute for **H. B. 931**, a bill to make it unlawful for professional solicitors to solicit charitable contributions by telephone, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 44, noes 1, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, and Wright — 44.

Voting in the negative: Senator Frye — 1.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 934, a bill to amend Chapter 160A of the General Statutes to authorize municipalities to participate in the Urban Development Action Grant Program, as amended, upon third reading.

On motion of Senator Marion, consideration of the bill, as amended, is postponed until Thursday, July 2.

H. B. 944, Committee Substitute for **H. B. 944**, a bill to include consideration of personal property transfers in determining Medicaid and special assistance eligibility.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 1041, Committee Substitute for **H. B. 1041**, a bill to amend G. S. 75-33 relating to representations of eligibility to win a prize, as amended.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. J. R. 1117, a joint resolution urging the Congress of the United States to oppose the deregulation of the peanut growing industry.

The joint resolution passes its second and third readings and is ordered enrolled.

H. B. 1121, a bill to amend Article V of the Constitution of North Carolina to permit the General Assembly to grant to appropriate public bodies in the State additional powers to develop new and existing seaports and airports, including powers to finance and refinance for public and private parties seaport and airport and related facilities and improvements, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, and Wright — 43.

Having received a three-fifths majority affirmative vote, the bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1146, Senate Committee Substitute for Committee Substitute for **H. B. 1146**, a bill to provide for release of non-identifying adoption information.

Senator Harris, seconded by Senator Soles offers a motion that the Senate Committee Substitute bill do lie upon the table.

Senator Frye calls for the "ayes" and "noes" on the motion to table the Senate Committee Substitute bill. The call is sustained.

Senator Redman, seconded by Senator Gray, moves that the Senate do now adjourn, which motion prevails. The Chair declares the Senate stands adjourned to reconvene tomorrow at 1:30 P.M.

ONE HUNDRED TWENTIETH DAY

SENATE CHAMBER,
Wednesday, July 1, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, we pray today for the people of North Carolina. We pray for State government employees, teachers, law enforcement agents, and others whose job it is to administer the laws that are framed in this room. We pray for citizens whose lives are affected by decisions that are made here. We pray for taxpayers who must pay for the programs that are mandated here. We pray for the men and women of this Senate as they seek Your wisdom and counsel for decision-making. Father, as they debate and decide, help them always to remember those for whom these laws may be an occasion for rejoicing or sorrow, and to know that their power is derived from the people, to whom they are forever accountable. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants a continuing leave of absence, beginning July 2, to Senator Ballenger, who will meet with Her Excellency, Margaret Thatcher, the Prime Minister of England.

On motion of Senator Wynne, the rules of the Senate are suspended to the end that Miss United States Junior Miss, Kimberly Smith, of Raleigh, may approach the Well of the Senate, where she addresses the membership.

The President recognizes the following pages serving in the Senate this week: Andre D. Allen, Raleigh; Marie Dees Allsbrook, Roanoke Rapids; Wrenn Anglely, Raleigh; Michelle Bagnall, Cary; Barrie Baker, Edenton; Beth Brown, Chapel Hill; Debra Jean Brown, Vaughan; Jeff Davis, Winston-Salem; Ellen deRosset, Raleigh; John Michael

Fisher, Raleigh; Allison Rae Freeman, Raleigh; Douglas Kent Freeman, Raleigh; Dudley Gentry, King; Marsha Hatchell, Roanoke Rapids; Mark Honeycutt, Raleigh; Linda Imboden, Burlington; Claire C. Johnson, Greensboro; Kelda Kenessey, Raleigh; Leigh Johnson, Fayetteville; Gloria Ann Moore, Garner; Theresa Mitchell, Wake Forest; Christopher L. Gates Nance, Sanford; Maurine O'Donnell, Chapel Hill; Celeste Patterson, Chapel Hill; Beth Phillips, Liberty; Joseph Winfield Poole, Cary; Brian Keith Price, Youngsville; Lisa Reynolds, Chapel Hill; David B. Rust, Chapel Hill; Howell Stoner, Lexington; and John W. Tullos III, Rocky Mount.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S. B. 40, House Committee
Substitute No. 2 for **S. B. 40**

House of Representatives
June 30, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **S. B. 40**, a bill to be entitled an act to provide punishments for assaults upon handicapped or aged persons, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
GRACE COLLINS
Principal Clerk

H. B. 297, Committee
Substitute for **H. B. 297**

House of Representatives
July 1, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **H. B. 297**, a bill to be entitled an act to amend Chapter 90, Article 18B of the General Statutes relating to physical therapy, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
GRACE COLLINS
Principal Clerk

H. B. 298, Committee
Substitute for **H. B. 298**

House of Representatives
July 1, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Committee Substitute for **H. B. 298**, a bill to be entitled an act to amend Chapter 90, Article 8 of the General Statutes relating to chiropractors, to the end that when a similar action has been taken on the

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part of the Senate, we will order the bill enrolled.

Respectfully,
GRACE COLLINS
Principal Clerk

H. B. 300

House of Representatives
July 1, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **H. B. 300**, a bill to be entitled an act to amend Chapter 90, Article 11, of the General Statutes relating to veterinarians, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
GRACE COLLINS
Principal Clerk

H. B. 1258

House of Representatives
July 1, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate amendment to **H. B. 1258**, a bill to be entitled an act concerning the definition of mo-ped, and requests conferees. The Speaker has appointed Representatives Lancaster, Morgan, and Evans on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
GRACE COLLINS
Principal Clerk

Senator Jenkins moves that the President appoint conferees, which motion prevails. The President appoints Senators Jenkins, Mathis, and Swain as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CONFERENCE REPORT

S. B. 40, House Committee
Substitute No. 2 for **S. B. 40**

Senator Allsbrook, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **S. B. 40**, House Committee Substitute No. 2 for Committee Substitute for **S. B. 40**, a bill to provide punishments for assaults upon handicapped or aged persons, submits the following report:

To the President of the Senate and
the Speaker of the House of Representatives:

July 1, 1981

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Senate Bill 40 entitled an act to provide punishments for assaults upon handicapped or aged persons, wish to report as follows:

The Senate adopts the Sixth Edition Engrossed (6/19/81) of House Committee Substitute No. 2 of Senate Bill 40; and

The Senate and House amend that bill on page 1, lines 2 and 3, by deleting the words "OR AGED"; and

further amend on page 1, lines 9 - 11, by rewriting those lines to read:

"who has:

1. a physical or mental disability, such as decreased use of arms or legs, blindness, deafness, mental retardation or mental illness; or
2. infirmity

which would substantially impair that person's ability to defend himself."

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 30th day of June, 1981.

JULIAN ALLSBROOK

JAMES D. SPEED

ROBERT W. WYNNE

*Conferees on the part
of the Senate*

GEORGE MILLER, JR.

ERNEST B. MESSER

FOYLE R. HIGHTOWER

*Conferees on the part
of the House of Representatives*

On motion of Senator Allsbrook, the Conference Report is adopted and the House Committee Substitute bill No. 2 is ordered enrolled. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CONFERENCE REPORT

H. B. 297, Committee Substitute for H. B. 297

Senator Rauch, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H. B. 297**, Committee Substitute for **H. B. 297**, a bill to amend Chapter 90, Article 18B of the General Statutes relating to physical therapy, submits the following report:

To the President of the Senate and
the Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Committee Substitute for H. B. 297, a bill to be entitled an act to amend Chapter 90, Article 18B of the General Statutes relating to physical therapy, wish to report as follows: that we have met and agreed that we DO NOT CONCUR in the amendment to amend the bill on page 1, line 13, by inserting after the word and punctuation "doctor," the words "two of the", and by inserting after the word "and" the word "the". Further amend, at page 1, line 18 after the sentence ending with the word "Carolina" the following: "One physical therapist member shall be appointed by the Lieutenant Governor and one by the Speaker of the House. The Lieutenant Governor and Speaker of the House, respectively, shall fill the first and

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second vacancies in the physical therapist members of the board arising by expiration of term after July 1, 1981, and shall continue to appoint their respective successors; the Governor shall fill all other vacancies arising by expiration of term."

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report. This the 26th day of June, 1981.

MARSHALL A. RAUCH
J. J. HARRINGTON
HAROLD W. HARDISON
*Conferees on the part
of the Senate*

RICHARD R. GRADY
DAVID W. BUMGARDNER, JR.
EDD NYE
*Conferees on the part
of the House of Representatives*

On motion of Senator Rauch, the Conference Report is adopted and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CONFERENCE REPORT

H. B. 298 Committee Substitute for H. B. 298

Senator Rauch, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon H. B. 298, Committee Substitute for H. B. 298, a bill to amend Chapter 90, Article 8 of the General Statutes relating to chiropractors, submits the following report:

To the President of the Senate and
the Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Committee Substitute for H. B. 298, an act to amend Chapter 90, Article 8 of the General Statutes relating to chiropractors, wish to report as follows: that we have conferred and agreed to Amendment No. 1 which will amend the bill on page 1, line 12, by inserting after the word "appointments", and before the period, the following:

"; four of these six members shall be appointed by the Governor, and one each by the Lieutenant Governor and the Speaker of the House".

Further amend, by inserting the words and punctuation " , Lieutenant Governor and Speaker of the House" immediately after the word "Governor" at the following places: page 1, line 8; page 2, line 17; and page 2, line 20.

Further amend, by inserting the words and punctuation " , Lieutenant Governor and Speaker of the House, respectively" at page 2, line 12 before the word "may".

Further amend, at page 2, line 11 by inserting the following at the end of subsection (b): "The Lieutenant Governor and Speaker of the House, respectively, shall fill the first and second vacancies in chiropractic members of the board arising by expiration of term after July 1, 1981, and shall continue to appoint their respective successors; the Governor shall fill all other such vacancies arising by expiration of term."

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

July 1, 1981

This the 26th day of June 1981.

MARSHALL A. RAUCH
J. J. HARRINGTON
HAROLD W. HARDISON
*Conferees on the part
of the Senate*

RICHARD R. GRADY
DAVID W. BUMGARDNER, JR.
EDD NYE
*Conferees on the part
of the House of Representatives*

On motion of Senator Rauch, the Conference Report is adopted, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CONFERENCE REPORT

H. B. 300

Senator Harrington, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H. B. 300**, a bill to amend Chapter 90, Article 11, of the General Statutes relating to veterinarians, submits the following report:

To the President of the Senate and
the Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Bill 300, a bill to be entitled an act to amend Chapter 90, Article 11, of the General Statutes relating to veterinarians, wish to report as follows: that we have conferred and agreed to Amendment No. 2 which reads as follows:

to amend the bill on page 1, line 11, by deleting the words, "Six" and "Five" and inserting in lieu thereof the words, "Four" and "Three", respectively.

Further amend the bill on page 1 by deleting lines 17 through 20 and by deleting lines 1 through 3 on page 2 and inserting in lieu thereof the following:

"The Lieutenant Governor and the Speaker of the House shall each appoint to the board one member who shall have been a resident of and licensed to practice veterinary medicine in this State for not less than five years preceding his appointment.

In addition to the six members appointed as provided above, the Commissioner of Agriculture shall biennially appoint to the board the State Veterinarian or licensed veterinarian from a staff of a North Carolina department or institution. This member shall have been a legal resident of and licensed to practice veterinary medicine in North Carolina for not less than five years preceding his appointment".

Further amend the bill on page 2, line 22 by inserting after the word "Governor" and preceding the word "on" the following words and punctuation:

“, Lieutenant Governor or Speaker of the House of Representatives”.

Further amend the bill on page 2, line 26 by deleting the words, "any member" and inserting in lieu thereof the words, "his appointee".

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

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This the 26th day of June 1981.

J. J. HARRINGTON
W. CRAIG LAWING
MARSHALL A. RAUCH
*Conferees on the part
of the Senate*

RICHARD R. GRADY
DAVID W. BUMGARDNER, JR.
EDD NYE
*Conferees on the part
of the House of Representatives*

On motion of Senator Harrington, the Conference Report is adopted, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Swain for the **Courts and Judicial Districts and Criminal Justice Committee**:

H. B. 1188, a bill to amend G. S. 7A-506 to add eight additional members to the North Carolina Courts Commission, with a favorable report.

By Senator McDuffie for the **Election Laws Committee**:

H. B. 549, a bill to provide that the Guilford County Board of Education shall be elected on the nonpartisan primary and election method, with a favorable report.

H. B. 628, Committee Substitute for **H. B. 628**, a bill to amend the Carolina Beach Charter to provide for popular election of the mayor and to change from the plurality method to the election and runoff election method, with a favorable report, as amended.

H. B. 1147, Committee Substitute for **H. B. 1147**, a bill to provide that registrars, judges and assistants shall receive at least the State minimum wage on election day, with a favorable report.

H. B. 1222, a bill to allow county boards of elections to establish voting precincts without regard to township lines, with a favorable report, as amended.

H. B. 1294, a bill to raise the ceiling for reporting names of political contributors, with a favorable report.

H. B. 1297, a bill to substantially reenact the power of county boards of commissioners to reapportion themselves because of substantial population inequality where the voters of a district nominate or elect the commissioner, with a favorable report.

By Senator Wynne for the **Higher Education Committee**:

S. B. 618, a bill to change the selection of the local board of trustees of community colleges and technical institutes, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Wynne, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Wynne, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, July 2.

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H. B. 1248, a bill to modify public school residence requirements for a person who resides in a place that is not his domicile either because his parent or guardian is a college or university student, employee or faculty member, or because he is in a group home, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Wynne, the rules are suspended and the Senate Committee Substitute bill, which changes the title to read **H. B. 1248**, Senate Committee Substitute for **H. B. 1248**, a bill to modify public school residence requirements as enacted by Chapter 567, Session Laws of 1981, for a person who resides in a place that is not his domicile either because his parent or guardian is a college or university student, employee or faculty member, is placed before the Senate for immediate consideration.

On motion of Senator Wynne, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, July 2.

By Senator Mathis for the **Insurance Committee**:

H. B. 7, Committee Substitute for **H. B. 7**, a bill to repeal the provisions for recoupment surcharges against clean risks, to extend the cap on automobile insurance rate increases for two years, and to equate said cap with the Consumer Price Index, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Mathis, the rules are suspended and the Senate Committee Substitute bill, which changes the title to read **H. B. 7**, Senate Committee Substitute for Committee Substitute for **H. B. 7**, a bill to eliminate surcharges on clean risks, to continue the cap on automobile insurance rates, to provide for independent action by and reasonable price competition among automobile and property insurers and the regulation and monitoring thereof, and to provide for more accurate and reliable rate standards and classifications, is placed before the Senate for immediate consideration.

On motion of Senator Mathis, the Senate Committee Substitute bill is adopted, and on her further motion is placed on the Calendar for Thursday, July 2.

H. B. 1059, Committee Substitute for **H. B. 1059**, a bill to amend Chapter 143 of the General Statutes of North Carolina to create the North Carolina Manufactured Housing Board and to provide for the licensing and regulation of the manufactured housing industry, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Mathis, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Mathis, the Senate Committee Substitute bill is adopted, and on her further motion is re-referred to the **Finance Committee**.

H. B. 1144, a bill to permit licensing of life insurance corporations, with a favorable report, as amended.

H. B. 1324, Committee Substitute for **H. B. 1324**, a bill to provide for inclusion in the North Carolina motor vehicle reinsurance facility of insurance limits required by the United States Department of Transportation, with a favorable report.

On motion of Senator Mathis, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

By Senator Marion for the **Local Government and Regional Affairs Committee**:

H. B. 1268, a bill to remove 1.8897 acres of land from the corporate limits of the City of Salisbury to change the course of a portion of the existing City boundary and de-annex the property which lies on the northeast side of the new town boundary, with a favorable report.

By Senator Thomas of Craven for the **Natural and Economic Resources and Wildlife Committee**:

H. B. 542, a bill to require persons hunting on the land of another to have permission of the landowner in Gates County, with a favorable report.

H. B. 1316, a bill to prohibit the taking of bears in Bladen County by the use of bait, with a favorable report.

By Senator Jenkins for the **Pensions and Retirement Committee**:

H. B. 514, a bill to amend Article 6 of Chapter 147 of the General Statutes concerning authorized investments for the General Fund and the Highway Fund, with a favorable report.

By Senator Barnes for the **State Government Committee**:

H. B. 964, a bill to amend the laws regulating sanitarians, with a favorable report, as amended.

On motion of Senator Barnes, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered re-referred to the **Human Resources Committee**.

H. B. 991, Committee Substitute for **H. B. 991**, a bill to authorize additional voluntary payroll deductions in order to enhance membership in the independent employee associations, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Hardison, Royall, Wright, Smith, Allred, Cavanagh, Baker, Ballenger, Boger, Cockerham, and Kincaid:

S. B. 743, a bill to change the date of assessment and to raise the threshold of assessment on certain intangibles taxes.

Referred to **Finance Committee**.

By Senator Creech:

S. B. 745, a bill to improve hearings before the Safety and Health Review Board by establishing a procedure for replacement of members temporarily unable to participate.

Referred to **Manufacturing, Labor and Commerce Committee**.

By Senator Jordan:

S. B. 746, a bill concerning reacquisition of resident tuition status.

On motion of Senator Jordan, the rules are suspended and the bill is placed before the

Senate for immediate consideration.

The bill passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger.

By Senators Walker, Jernigan, and McDuffie:

S. B. 747, a bill to require the name and address of all non-resident contributors to political campaigns be reported.

Referred to **Election Laws Committee**.

Senator Lawing moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Lawing, McDuffie, Mathis, and Jenkins:

S. B. 748, a bill to amend the Boating Safety Act.

Referred to **Local Government and Regional Affairs Committee**.

Senator Wynne moves that Rules 40 and 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Wynne and Johnson:

S. B. 755, a bill to revise the manner of election of the Wake County Board of Commissioners.

Referred to **Higher Education Committee**.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H. B. 643, Committee Substitute for **H. B. 643**, a bill to authorize Rutherford County to levy additional one percent sales and use taxes.

Referred to **Finance Committee**.

H. B. 692, a bill to repeal Article 7 of G. S. Chapter 95 entitled "Board of Boiler Rules and Bureau of Boiler Inspection" and to make certain changes in Article 7A of G. S. Chapter 95 entitled "Uniform Boiler and Pressure Vessel Act."

Referred to **Manufacturing, Labor and Commerce Committee**.

H. B. 1232, a bill to authorize Onslow County to levy additional one percent sales and use taxes.

Referred to **Finance Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 546, Committee Substitute for **S. B. 546**, a bill to require that all accident and health insurance policies provide for coverage for treatment in State tax-supported institutions, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, July 2.

S. B. 582, House Committee Substitute for **S. B. 582**, a bill to require the purchase of insurance or the posting of a cash bond before a professional housemover's license will be issued, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, July 2.

S. B. 716, House Committee Substitute for **S. B. 716**, a bill to amend the Statesville City Charter, concerning the Civil Service Board, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, July 2.

H. B. 629, Committee Substitute for **H. B. 629**, a bill to allow New Hanover County to prohibit acts of discrimination in employment and housing based on race, color, national origin, religion, sex, handicap or age.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 839, Committee Substitute for **H. B. 839**, a bill to allow counties to levy an additional one percent sales and use tax.

Referred to **Finance Committee**.

H. B. 1212, a bill to provide that a person may obtain a cartway if no public road or railroad affords access to land.

Referred to **Judiciary II Committee**.

H. B. 1214, Committee Substitute for **H. B. 1214**, a bill to amend the laws regulating bingo and raffles.

Referred to **State Government Committee**.

H. B. 1234, a bill to provide the same eligibility for unreduced and early service retirements to policemen and firemen in the Local Governmental Employees' Retirement System as provided members of the Law Enforcement Officers' Benefit and Retirement Fund.

Referred to **Pensions and Retirement Committee**.

H. B. 1254, a bill to amend the laws governing school administrative unit bank deposits with respect to security of public deposits.

Referred to **Education Committee**.

H. B. 1265, a bill to amend the tax law in relation to an international banking facility.

Referred to **Finance Committee**.

H. B. 1266, a bill to amend Article 3 of General Statutes Chapter 58 to provide reciprocity for licensed insurance agents.

On motion of Senator Lawing, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1267, a bill to amend G. S. 65-53 to provide that compensation for the administrator and all other personnel of the Cemetery Commission shall be subject to the provisions of the State Personnel System Act.

Referred to **State Government Committee**.

H. B. 1273, a bill to amend G. S. 113-189 relating to the protection of sea turtles.

Referred to **Natural and Economic Resources and Wildlife Committee**.

H. B. 1299, a bill to exempt investigations of applicants to the State Bar from the fee the State Bureau of Investigation is required to charge for furnishing certain information.

Referred to **Finance Committee**.

H. B. 1327, a bill to preserve the right to appeal on the basis of errors in the instruction to the jury.

Referred to **Judiciary I Committee**.

RE-REFERRAL

S. B. 731, a bill to make various technical and clarifying changes to statutes concerning criminal law and procedure.

On motion of Senator Swain, the bill is taken from the **Courts and Judicial Districts and Criminal Justice Committee** and re-referred to the **State Government Committee**.

WITHDRAWALS FROM COMMITTEE

H. B. 1270, a bill to make the North Carolina Employment Security Law consistent with the Federal Social Security Act and Chapters 21 and 24 of the Internal Revenue Code.

On motion of Senator Duncan, the rules are suspended and the bill is taken from the **Finance Committee** and is placed on the Calendar for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1283, a bill to amend the School Budget and Fiscal Control Act as it applies to Pender County concerning approval of expenditures some or all of which are to be paid in ensuing fiscal years.

On motion of Senator Marion, the rules are suspended and the bill is taken from the **Local Government and Regional Affairs Committee** and is placed on the Calendar for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 50, an act to place the phrase "First in Flight" and a representation of the Wright Brothers' airplane on registration plates.

S. B. 620, an act to amend G. S. 58-79 relating to domestic stock and mutual life insurance company investments.

S. B. 623, an act to amend Chapter 58, Article 22, of the General Statutes relating to nonforfeiture benefits of life insurance policies and reserve valuation standards for life insurance policies and annuity contracts.

S. J. R. 644, a joint resolution honoring the life and memory of Asbury Lee Penland, former member of the General Assembly.

H. B. 21, Committee Substitute for **H. B. 21**, an act to make shooting into an occupied building or other occupied enclosures with certain barreled weapons a felony.

H. J. R. 156, Committee Substitute for **H. J. R. 156**, a joint resolution honoring the life and service of William M. Fulton.

July 1, 1981

H. B. 169, Committee Substitute No. 3 for **H. B. 169**, an act to provide that when vacancies occur in the offices of county commissioner, sheriff, register of deeds, coroner, or partisan school board races, the appointing board or person must appoint the person recommended by the political party executive committee of the vacating officer, and by requiring a district bar to nominate candidates for district court judges of the same party of the vacating judge.

H. B. 287, Senate Committee Substitute for Committee Substitute for **H. B. 287**, an act to amend Chapter 90, Article 2 of the General Statutes relating to dentists.

H. B. 438, an act to authorize members of occupational licensing boards to receive reimbursement for travel and subsistence expenses on the same basis as State boards and commissions.

H. B. 603, Committee Substitute for **H. B. 603**, an act to revise portions of the Fayetteville City Charter.

H. B. 611, Senate Committee Substitute for **H. B. 611**, an act to revise the penalties for desecration of cemeteries and graves, as recommended by the Abandoned Cemeteries Study Committee.

H. J. R. 819, a joint resolution memorializing the Federal Reserve Board to shift its policies on credit.

H. B. 895, Senate Committee Substitute for **H. B. 895**, an act to set higher maximum fees collectable by the Board of Barber Examiners.

H. B. 898, Senate Committee Substitute for **H. B. 898**, an act to raise the threshold amount of purchases of supplies and equipment for which formal advertisement for bids is required, and to repeal prior local acts.

H. J. R. 913, a joint resolution honoring the life and memory of L. R. Harrill by recognizing the North Carolina 4-H Honor Club during its Golden Anniversary of active service to 4-H and youth.

H. B. 944, Committee Substitute for **H. B. 944**, an act to include consideration of personal property transfers in determining Medicaid and special assistance eligibility.

H. J. R. 1117, a joint resolution urging the Congress of the United States to oppose the deregulation of the peanut growing industry.

H. B. 1156, an act to regulate credit insurance policies.

H. B. 1260, an act to amend Chapters 96 and 84 of the General Statutes to permit persons supervised by attorneys to represent parties in proceedings before the Employment Security Commission.

CALENDAR

Bills and resolutions on the Calendar, carried forward as unfinished business for June 29, are taken up and disposed of as follows:

(Senators Lawing and Royall preside over a portion of today's Session.)

S. B. 132, House Committee Substitute for Committee Substitute for **S. B. 132**, a bill to repeal the notice requirements and amend the statutes of limitations for claims

against local units of government, for concurrence in the House Committee Substitute bill.

On motion of Senator Allsbrook, the Senate concurs in the House Committee Substitute bill and the bill is ordered enrolled.

H. B. 1146, Senate Committee Substitute for Committee Substitute for **H. B. 1146**, a bill to provide for release of non-identifying adoption information.

The Senate Committee Substitute bill passes its second reading.

On objection of Senator Soles to its third reading, the Senate Committee Substitute bill remains on the Calendar for further consideration.

H. B. 1159, a bill to designate the fourth week in September as Indian Solidarity Week.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1195, a bill to allow a member of a county social services board who is a county commissioner to serve without limitation as to terms on the county social services board.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1201, a bill to provide for the severability of the provisions of redistricting acts of the General Assembly.

The bill passes its second and third readings and is ordered enrolled.

H. J. R. 1210, Senate Committee Substitute for Committee Substitute for **H. B. 1210**, a joint resolution to create a study commission to examine the present status of agriculture in North Carolina and public awareness of the importance of agriculture to North Carolina.

On motion of Senator White, the Senate Committee Substitute bill is re-referred to the **Appropriations Committee**.

H. B. 1246, a bill to amend the statutes concerning the Legislative Services Commission and other legislative activities to take into account legislative use of the new State Office Building.

The bill passes its second and third readings and is ordered enrolled.

H. J. R. 1251, a joint resolution directing the North Carolina Courts Commission to study the current boundaries of the State's judicial divisions, judicial districts, prosecutorial districts, and the personnel needs of the judicial and prosecutorial districts and report on the necessity or desirability of changes therein to the 1983 Session of the General Assembly.

The joint resolution passes its second and third readings and is ordered enrolled.

Bills and resolutions on the Calendar, carried forward as unfinished business for June 30, are taken up and disposed of as follows:

S. B. 321, House Committee Substitute for Committee Substitute for **S. B. 321**, a bill to allow persons to charge and collect processing fees for returned checks and to increase the processing costs for returned checks allowable in court actions, for concurrence in the House Committee Substitute bill.

On motion of Senator Allsbrook, the Senate concurs in the House Committee Substitute bill and the bill is ordered enrolled.

S. B. 397, House Committee Substitute for Committee Substitute for **S. B. 397**, a bill to provide corneal tissue for transplant, for concurrence in the House Committee Substitute bill.

On motion of Senator Ward, the Senate concurs in the House Committee Substitute bill, and the bill is ordered enrolled.

S. B. 560, a bill to amend Article 1 of Chapter 87 of the General Statutes as the same relates to builders of residential housing, for concurrence in House Amendments No. 1, No. 2, No. 3, and No. 4.

On motion of Senator Barnes, the Senate concurs in House Amendments No. 1, No. 2, No. 3, and No. 4, and the bill is ordered enrolled.

S. B. 576, a bill regarding loan brokers, for concurrence in House Amendment No. 2.

On motion of Senator Johnson, the Senate concurs in House Amendment No. 2, and the bill is ordered enrolled.

S. B. 664, Committee Substitute for **S. B. 664**, a bill to authorize a binding referendum on the question of whether to raise the legal drinking age.

Senator Hardison offers a motion that the Committee Substitute bill be re-referred to the **Appropriations Committee**.

Senator McDuffie offers a substitute motion that the Committee Substitute bill be re-referred to the **Finance Committee**, which motion prevails.

S. B. 683, a bill to provide for payment of the cost of elections on the question of formation of a new municipality or special district, for concurrence in House Amendment No. 1.

On motion of Senator Ward, the Senate concurs in House Amendment No. 1, and the bill is ordered enrolled.

S. B. 685, House Committee Substitute for **S. B. 685**, a bill to require consent of certain county boards of commissioners before land in those counties may be condemned or acquired by a unit of local government outside those counties, for concurrence in the House Committee Substitute bill.

Senator Speed moves that the Senate do not concur in the House Committee Substitute bill, and further moves that the President appoint conferees, which motion prevails. The Chair defers appointment of the conferees.

H. B. 353, a bill to regulate interest rates on life insurance policy loans.

Senator Jordan offers a motion that the bill be recommitted to the **Insurance Committee**, which motion fails to prevail.

Senator Noble calls the previous question, duly seconded. The call is sustained.

The bill passes its second reading.

On objection of Senator Vickery to its third reading, the bill remains on the Calendar for further consideration.

Bills and resolutions on today's Calendar are taken up and disposed of as follows:

CONFERENCE REPORT

S. B. 24, House Committee Substitute for Committee Substitute No. 2 for **S. B. 24**, a bill for equitable distribution of marital property, for adoption.

Senator Royall, seconded by Senator Hardison, offers a motion that the Senate do not accept the Conference Report, the conferees be dismissed, and that new conferees be appointed, which motion prevails.

S. B. 666, Committee Substitute for **S. B. 666**, a bill to define the term "school" for the purposes of enforcement of the compulsory attendance laws, upon third reading.

On motion of Senator Marvin, consideration of the Committee Substitute bill is postponed until Thursday, July 2.

H. B. 1291, a bill to amend Chapter 116, Article 23, of the General Statutes, pertaining to the State Education Assistance Authority for the purpose of authorizing the making of parental loans to aid resident students in pursuing their education beyond the high school level, upon second reading.

The bill passes its second reading by roll-call vote, ayes 32, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Boger, Cavanagh, Clarke, Cockerham, Daniels, Duncan, Frye, Gray, Hancock, Harrington, Harris, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Rauch, Redman, Royall, Smith, Walker, Ward, Warren, Wright, and Wynne — 32.

The bill remains on the Calendar upon third reading.

S. B. 705, a bill to amend Chapter 116, Article 23, of the General Statutes, pertaining to the State Education Assistance Authority for the purpose of authorizing the making of parental loans to aid resident students in pursuing their education beyond the high school level, upon second reading.

On motion of Senator Walker, consideration of the bill is postponed until Friday, July 3.

H. B. 284, Committee Substitute for **H. B. 284**, a bill to amend Article 7 of Chapter 74 concerning the Mining Act of 1971, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harrington, Harris, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Rauch, Raynor, Redman, Smith, Soles, Swain, Thomas of Henderson, Walker, Ward, Warren, White, and Wynne — 38.

The Committee Substitute bill is ordered enrolled.

H. B. 288, Committee Substitute for **H. B. 288**, a bill to amend Chapter 84 of the General Statutes of North Carolina relating to the North Carolina State Bar and to remove Article 4 of that Chapter from the automatic termination provisions of G. S. 143-34.12, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harrington, Harris, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Rauch, Raynor, Redman, Smith, Soles, Swain, Walker, Ward, Warren, White, Wright, and Wynne — 38.

The Committee Substitute bill is ordered enrolled.

H. B. 1185, a bill to establish standards for the collection, use, and disclosure of information gathered in connection with insurance transactions by insurers, agents, and insurance-support organizations, upon second reading.

On motion of Senator Mathis, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 36, noes 1, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Cavanagh, Clarke, Cockerham, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Rauch, Redman, Royall, Smith, Soles, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 36.

Voting in the negative: Senator Boger — 1.

The bill, as amended, remains on the Calendar upon third reading.

H. B. 1256, a bill to make it a felony to falsify Department of Transportation inspection reports, upon second reading.

The bill passes its second reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Daniels, Frye, Garrison, Gray, Hancock, Harrington, Harris, Jernigan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Noble, Rauch, Redman, Royall, Smith, Soles, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 37.

The bill remains on the Calendar upon third reading.

H. B. 415, Committee Substitute for **H. B. 415**, a bill to apportion the districts of the North Carolina House of Representatives, upon third reading.

Senator Walker offers Amendment No. 1.

Senator Lawing, seconded by Senator Alford, offers a motion that the Senate do now adjourn to meet tomorrow at 1:30 P.M., which motion prevails. The Chair declares the Senate stands adjourned.

ONE HUNDRED TWENTY-FIRST DAY

SENATE CHAMBER,
Thursday, July 2, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Gracious God, whose power upholds us when we fall, we stand before You today in confession of our shortcomings and offenses. Wrapped in our own concerns we have not been sensitive to Your presence on our lives. Busy with so many things we do not stop to hear You speaking to us. Impressed with our own importance we have spurned You when You appear to us in that which is ordinary. Forgive us, O God, and help us to be open to You in whatever ways You seek to deal with us. Help us to find You in our neighbor, in the beauty of this world, in the cry of a hungry child, in the stillness of a summer night; that we may draw from You the strength, wisdom and courage we need to be Your servants. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants a leave of absence to Senator Creech for today. A leave of absence granted previously to Senator Ballenger is noted. Senator Creech is noted present for a portion of today's Session.

July 2, 1981

REPORT TO THE PRESIDENT OF THE SENATE

By Senator Barnes for the **State Government Committee**:

The Committee on State Government has approved the recommendations of the North Carolina Governmental Evaluation Commission reflected in the following final Commission reports:

Board of Examiners for Speech and Language Pathologists and Audiologists

N. C. Board of Barber Examiners

N. C. Board of Nursing

N. C. Board of Pharmacy

N. C. Board of Physical Therapy Examiners

N. C. Dental Hygiene Act

N. C. State Bar

N. C. State Board of Chiropractic Examiners

N. C. State Board of Dental Examiners

N. C. State Board of Examiners in Optometry

N. C. State Board of Hearing Aid Dealers and Fitters

N. C. State Board of Medical Examiners

N. C. State Board of Opticians

N. C. State Board of Podiatry Examiners

N. C. Water Treatment Facility Operators

The Mining Act of 1971

On motion of Senator Barnes the reports are adopted.

APPOINTMENT OF CONFEREES

S. B. 685, House Committee Substitute for **S. B. 685**, a bill to require consent of certain county boards of commissioners before land in those counties may be condemned or acquired by a unit of local government outside those counties.

On motion of Senator Speed offered July 1 that conferees be appointed, the President appoints Senators Speed, Soles, and Jenkins as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S. B. 24

House of Representatives

July 2, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has reconsidered the vote on the June 29, 1981 adoption of the Conference Report No. 1 for Senate Bill 24, a bill to be entitled an act for equitable distribution of marital property, and has adopted Conference Report No. 2 for Senate Bill 24, to the

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end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
GRACE COLLINS
Principal Clerk

RECONSIDERATION

S. B. 24, House Committee Substitute for Committee Substitute No. 2 for **S. B. 24**, a bill for equitable distribution of marital property.

Senator Walker moves that the vote by which the motion of Senator Royall not to accept the Conference Report, dismiss the conferees, and appoint new conferees prevailed be reconsidered, which motion prevails. Without objection, Senator Royall withdraws his motion.

Senator Barnes offers a motion to withdraw the Conference Report, which motion prevails.

Senator Barnes, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **S. B. 24**, House Committee Substitute for Committee Substitute No. 2 for **S. B. 24**, a bill for equitable distribution of marital property, submits Conference Report No. 2, and offers a motion that the Senate do adopt the Report.

CONFERENCE REPORT NO. 2

S. B. 24, House Committee Substitute for
Committee Substitute No. 2 for **S. B. 24**

To the President of the Senate and
the Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on the House Committee Substitute adopted May 14, 1981, to Senate Bill 24, a bill to be entitled an act for equitable distribution of marital property, wish to report as follows:

the Senate adopt the House Committee Substitute adopted by the House on May 14, 1981 to the Senate Bill;

and the House and Senate adopt the following amendments to that Committee Substitute:

on page 2, lines 6 through 8, by deleting the words "unless the property has been placed in joint ownership by one or both of the parties" and substituting in lieu thereof the words "regardless of whether the title is in the name of the husband or wife or both";

and on page 3, lines 12 through 14, by rewriting subdivision (5) to read:

"(5) vested pension or retirement rights and the expectation of nonvested pension or retirement rights, which are separate property;"

and on page 7, lines 22 through 25, by deleting the sentence beginning with the words "A trial" and substituting in lieu thereof the following sentence:

"Nothing in G. S. 50-20 or this section shall restrict or extend the right to trial by jury as provided by the Constitution of North Carolina.";

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and on page 7, line 26, by adding a new sentence after the period to read:

"Real or personal property located outside of North Carolina is subject to equitable distribution in accordance with the provisions of G. S. 50-20 and the court may include in its order appropriate provisions to insure compliance with the order of equitable distribution.";

and on page 7, line 27, and page 8, lines 1 and 2, by rewriting Section 7 to read:

"This act shall become effective October 1, 1981, and shall apply only when the action for an absolute divorce is filed on or after that date."

and on page 6, line 14 and on page 6, line 22, by deleting the words "one year" and substituting in lieu thereof the words "six months".

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 2nd day of July, 1981.

HENSON P. BARNES

R. P. THOMAS

HELEN R. MARVIN

JAMES D. SPEED

*Conferees on the part
of the Senate*

PATRICIA S. HUNT

JIM MORGAN

W. PAUL PULLEY, JR.

ALLEN BARBEE

*Conferees on the part
of the House of Representatives*

Senator Allsbrook offers a motion that consideration of Conference Report No. 2 be postponed until Friday, July 3.

Senator Soles offers a substitute motion that consideration of Conference Report No. 2 be postponed until Tuesday, July 7, which motion he subsequently withdraws.

The motion of Senator Allsbrook to postpone consideration of Conference Report No. 2 until Friday, July 3, fails to prevail.

On motion of Senator Barnes, Conference Report No. 2 is adopted and the House Committee Substitute for Committee Substitute No. 2 for S. B. 24 is ordered enrolled. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 775, House Committee
Substitute for **H. B. 775**

House of Representatives
July 2, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Committee Substitute for **H. B. 775**, a bill to be entitled an act to prohibit assaults and threats against general civil executive officers, the Speaker of the House, and the President Pro Tempore of the

Senate, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
GRACE COLLINS
Principal Clerk

CONFERENCE REPORT

H. B. 775, Committee
Substitute for **H. B. 775**

Senator Rauch, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H. B. 775**, Committee Substitute for **H. B. 775**, a bill to prohibit assaults and threats against general civil executive officers, the Speaker of the House, and the President Pro Tempore of the Senate, submits the following report:

To the President of the Senate and
the Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Committee Substitute for House Bill 775 entitled an act to prohibit assaults and threats against general civil executive officers, the Speaker of the House, and the President Pro Tempore of the Senate, wish to report as follows:

1. The Senate agrees to delete Amendment No. 1 offered by Senator Rauch and adopted by the Senate on 14 May 1981.
2. The House accepts Amendment No. 2 offered by Senator Rauch and adopted by the Senate on 14 May 1981.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 1st day of July 1981.

MARSHALL A. RAUCH
R. C. SOLES
JOE RAYNOR
*Conferees on the part
of the Senate*

MARTIN NESBITT
RICHARD WRIGHT, JR.
ALLEN ADAMS
*Conferees on the part
of the House of Representatives*

On motion of Senator Rauch, the Conference Report is adopted and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Speed for the **Education Committee**:

S. B. 386, Committee Substitute for **S. B. 386**, a bill to require that school bus drivers have one year experience as a licensed driver before being hired, with an unfavorable

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report as to Committee Substitute bill, but favorable as to Committee Substitute No. 2, which changes the bill to a joint resolution.

On motion of Senator Speed, the rules are suspended and the joint resolution, Committee Substitute No. 2, which changes the title to read **S. J. R. 386**, Committee Substitute No. 2 for Committee Substitute for **S. B. 386**, a joint resolution to urge local school boards to require school bus drivers to have at least one years' experience as a licensed driver, is placed before the Senate for immediate consideration.

On motion of Senator Speed, the joint resolution, Committee Substitute No. 2, is adopted, and on his further motion is placed on the Calendar for Friday, July 3.

H. B. 1254, a bill to amend the laws governing school administrative unit bank deposits with respect to security of public deposits, with a favorable report, as amended.

By Senator Duncan for the **Finance Committee**:

S. B. 682, a bill to amend Article 21 of Chapter 113 of the North Carolina General Statutes to amend the trapping and fur dealer license fees, with a favorable report, as amended.

S. B. 730, a bill to resolve a conflict between Chapter 501, Session Laws of 1981 and G. S. 105-282.1 concerning annual application for historic property exemption, with a favorable report.

H. B. 329, Committee Substitute for **H. B. 329**, a bill raising fees of registers of deeds, with a favorable report, as amended.

H. B. 1122, a bill to amend the Local Government Finance Act to allow the Local Government Commission to charge fees for services rendered on other than general obligation bonds, with a favorable report.

H. B. 1235, a bill to regulate hunting and fishing on the registered property of another, with a favorable report.

H. B. 1265, a bill to amend the tax law in relation to an international banking facility, with a favorable report.

H. B. 1284, a bill to amend Part 10 of Article 10 of Chapter 143B of the General Statutes of North Carolina, relating to the North Carolina State Ports Authority, as to the issuance of bonds and notes and the financing of facilities and improvements for private parties, with a favorable report.

H. B. 1299, a bill to exempt investigations of applicants to the State Bar from the fee the State Bureau of Investigation is required to charge for furnishing certain information, with a favorable report.

H. B. 1303, a bill to permit the Town of Mebane to impose a tax on automobiles of three dollars, with a favorable report.

H. B. 1305, a bill to allow an exemption from net income for a blind dependent, with a favorable report.

On motion of Senator Duncan, the bill is re-referred to the **Ways and Means Committee**.

H. B. 1307, a bill to allow the Town of Plymouth to collect on motor vehicles a tax of not more than five dollars, with a favorable report.

By Senator Harris for the **Human Resources Committee**:

H. B. 1286, a bill amending the Health Care Facilities Finance Act (Chapter 131A of the General Statutes of North Carolina, As Amended) to permit the financing of facilities for the continuing care of the elderly and infirm, with a favorable report, as amended.

H. B. 1320, a bill to abolish the office of coroner in Richmond County, with a favorable report.

By Senator Soles for the **Judiciary II Committee**:

S. B. 606, a bill regarding jury consideration of evidence in criminal cases, with a favorable report.

H. B. 439, Committee Substitute for **H. B. 439**, a bill to amend Chapter 66 of the General Statutes to protect trade secrets, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Soles, the rules are suspended, and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, July 3.

H. B. 650, Committee Substitute for **H. B. 650**, a bill to be called the Archaeological Resources Protection Act, with a favorable report.

H. B. 715, Committee Substitute for **H. B. 715**, a bill to be called the Unmarked Human Burial and Human Skeletal Remains Protection Act, with a favorable report.

H. B. 1211, Committee Substitute for **H. B. 1211**, a bill to increase the penalties for intentionally setting forest fires, to increase reward for evidence sufficient for conviction under forest fire statute, and to provide that reward be paid from the State Fire Suppression Fund, with a favorable report.

On motion of Senator Soles, the Committee Substitute bill is re-referred to the **Finance Committee**.

H. B. 1212, a bill to provide that a person may obtain a cartway if no public road or railroad affords access to land, with a favorable report.

H. B. 1224, a bill to amend G. S. 160A-17.1 to authorize local governments to comply with minority business enterprise requirements of grant programs, with a favorable report.

By Senator Creech for the **Judiciary III Committee**:

H. B. 1127, Committee Substitute for **H. B. 1127**, a bill to amend the Fair Sentencing Act of 1981 to make sale or delivery of a controlled substance to a minor an aggravating factor, with a favorable report, as amended.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

July 2, 1981

S. B. 40, House Committee Substitute No. 2 for Committee Substitute for **S. B. 40**, an act to provide punishments for assaults upon handicapped persons.

S. B. 132, House Committee Substitute for Committee Substitute for **S. B. 132**, an act to repeal the notice requirements and amend the statutes of limitations for claims against local units of government.

S. B. 321, House Committee Substitute for Committee Substitute for **S. B. 321**, an act to allow persons to charge and collect processing fees for returned checks and to increase the processing costs for returned checks allowable in court actions.

S. B. 397, House Committee Substitute for Committee Substitute for **S. B. 397**, an act to provide corneal tissue for transplant.

S. B. 495, Committee Substitute for **S. B. 495**, an act creating the Asheville-Buncombe Charter Commission and providing for an election on the consolidation of the governments of the municipalities within and the County of Buncombe.

S. B. 560, an act to amend Article 1 of Chapter 87 of the General Statutes as the same relates to builders of residential housing.

S. B. 569, an act creating the North Carolina Educational Facilities Finance Agency and authorizing said Agency to finance, refinance, construct, provide and acquire and otherwise undertake higher educational facilities.

S. B. 576, an act regarding loan brokers.

S. B. 683, an act to provide for payment of the cost of elections on the question of formation of a new municipality or special district.

S. B. 715, an act to repeal an act concerning budget adoption and financing of the Buncombe County Board of Tax Supervision, so as to restore the prior local law.

H. B. 136, Committee Substitute for **H. B. 136**, an act to regulate contractors, subcontractors, and suppliers in dealing with governmental agencies, and to make combinations in restraint of trade a felony.

H. B. 284, Committee Substitute for **H. B. 284**, an act to amend Article 7 of Chapter 74 concerning the Mining Act of 1971.

H. B. 297, Committee Substitute for **H. B. 297**, an act to amend Chapter 90, Article 18B of the General Statutes relating to physical therapy.

H. B. 298, Committee Substitute for **H. B. 298**, an act to amend Chapter 90, Article 8 of the General Statutes relating to chiropractors.

H. B. 300, an act to amend Chapter 90, Article 11, of the General Statutes relating to veterinarians.

H. B. 971, Senate Committee Substitute for **H. B. 971**, an act to allow counties to treat several streets within the same subdivision as a unit in considering assessments for improvements of subdivision streets.

H. B. 1159, an act to designate the fourth week in September as Indian Solidarity Week.

H. B. 1195, an act to allow a member of a county social services board who is a county commissioner to serve without limitation as to terms on the county social services board.

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H. B. 1201, an act to provide for the severability of the provisions of redistricting acts of the General Assembly.

H. B. 1246, an act to amend the statutes concerning the Legislative Services Commission and other legislative activities to take into account legislative use of the new State Office Building.

H. J. R. 1251, a joint resolution directing the North Carolina Courts Commission to study the current boundaries of the State's judicial divisions, judicial districts, prosecutorial districts, and the personnel needs of the judicial and prosecutorial districts and report on the necessity or desirability of changes therein to the 1983 Session of the General Assembly.

H. B. 1266, an act to amend Article 3 of General Statutes Chapter 58 to provide reciprocity for licensed insurance agents.

H. B. 1270, an act to make the North Carolina Employment Security Law consistent with the Federal Social Security Act and Chapters 21 and 24 of the Internal Revenue Code.

H. B. 1283, an act to amend the School Budget and Fiscal Control Act as it applies to Pender County concerning approval of expenditures some or all of which are to be paid in ensuing fiscal years.

H. B. 1324, Committee Substitute for **H. B. 1324**, an act to provide for inclusion in the North Carolina motor vehicle reinsurance facility of insurance limits required by the United States Department of Transportation.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Thomas of Henderson:

S. B. 749, a bill to permit corporations to purchase a maximum of two tickets to political dinners and events at which an admission fee is charged.

Referred to **Election Laws Committee**.

By Senator Vickery:

S. B. 750, a bill to improve hearings before the Safety and Health Review Board by establishing a procedure for replacement of members temporarily unable to participate.

Referred to **Manufacturing, Labor and Commerce Committee**.

By Senator Jenkins:

S. B. 751, a bill to provide contempt powers for the Industrial Commission.

Referred to **Judiciary II Committee**.

By Senator Duncan:

S. B. 752, a bill to amend the fees of notaries.

On motion of Senator Duncan, the rules are suspended and the bill is placed on the Calendar for today.

By Senator Soles:

S. B. 753, a bill to require the North Carolina Rate Bureau to certify to the Commissioner information on investment income at a prehearing conference preceding a hearing on a request for a revision of rates for homeowners, workers' compensation, or motor vehicle insurance.

Referred to **Insurance Committee**.

By Senator Soles:

S. B. 754, a bill to require the North Carolina Rate Bureau to present evidence of audited data at any hearing on a request for a revision of rates for homeowners, workers' compensation, or motor vehicle insurance.

Referred to **Insurance Committee**.

By Senator Rauch:

S. B. 756, a bill to increase license fees for hearing aid dealers and fitters to enable the board to continue to be self-sustaining.

Referred to **Finance Committee**.

By Senator Hardison:

S. B. 757, a bill to require subrogation provisions in accident and health policies issued in this State.

Referred to **Appropriations Committee**.

Senator Raynor moves that Rule 41 be suspended to allow the introduction and referral to committee of the following joint resolution, which motion prevails by a two-thirds majority vote.

By Senators Raynor and Jernigan:

S. J. R. 758, a joint resolution commemorating the 200th Anniversary of the American victory at Yorktown.

Referred to **Rules and Operation of the Senate Committee**.

By Senator Lawing:

S. B. 759, a bill establishing an assigned risk plan for bid, payment, performance, maintenance, and other bonds.

Referred to **Insurance Committee**.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S. B. 229, House Committee
Substitute for **S. B. 229**

House of Representatives
July 2, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Committee Substitute for **S. B. 229**, a bill to be entitled an act to make sundry amendments relating to local

governments in Orange County, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
GRACE COLLINS
Principal Clerk

S. B. 568, a bill to amend, subject to the approval of the electorate, Article V of the Constitution of North Carolina to authorize the issuance of revenue bonds to finance and refinance higher education facilities owned by nonprofit corporations, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, July 3.

H. B. 518, Committee Substitute No. 2 for **H. B. 518**, a bill to revise the law of eminent domain as recommended by the General Statutes Commission.

Referred to **Judiciary I Committee**.

H. B. 904, Committee Substitute for **H. B. 904**, a bill to increase the penalty for speeding while attempting to elude arrest.

Referred to **Law Enforcement and Crime Control Committee**.

H. B. 1097, Committee Substitute for **H. B. 1097**, a bill to amend G. S. 135-8(b)(5) and G. S. 128-30(b)(4) to provide alternative means of purchasing retirement service credits for educational programs.

Referred to **Judiciary II Committee**.

H. B. 1221, Committee Substitute for **H. B. 1221**, a bill to amend city and county laws relating to personnel records.

Referred to **Judiciary II Committee**.

H. B. 1277, a bill to provide for the merger of two contiguous sanitary districts.

Referred to **Judiciary I Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 87, House Committee Substitute for Committee Substitute No. 2 for **S. B. 87**, a bill to divide North Carolina into eleven Congressional Districts, for concurrence in the House Committee Substitute bill.

On motion of Senator Marvin, the rules are suspended, and the House Committee Substitute bill is placed before the Senate for immediate consideration.

Senator Marvin moves that the Senate do not concur in the House Committee Substitute bill, and further moves that the President appoint conferees, which motion prevails.

The President appoints Senators Daniels, Royall, Marvin, Soles, Kincaid, Alford, Ward, Walker, Jordan, Thomas of Henderson, Mills, Cockerham, and Lawing as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S. B. 532, a bill to clarify requirements for licensure of domiciliary homes, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, July 3.

H. B. 1137, a bill regarding regulation of the purchase of handguns.
Referred to **Judiciary I Committee**.

H. B. 1252, a bill to amend G. S. 115C-189 to allow the State Board of Education to select the type of annual test to be used in the first, second, third, sixth and ninth grades.

Referred to **Education Committee**.

H. B. 1309, a bill to allow Union County to delegate the authority to make certain releases and refunds.

Referred to **Finance Committee**.

H. B. 1313, a bill to correct a statutory reference in the section concerning extension of shareholders' agreements.

Referred to **Small Business Committee**.

H. B. 1338, a bill to postpone changes in the jury summons form in Wake County.

Referred to **Courts and Judicial Districts and Criminal Justice Committee**.

CALENDAR

Bills and resolutions on the Calendar, carried forward as unfinished business for July 1, are taken up and disposed of as follows:

(Senator Lawing presides over a portion of today's Session.)

S. B. 278, Committee Substitute for **S. B. 278**, a bill to redefine "moped" to include those with either operable pedals or a kick starter.

On motion of Senator Jenkins, consideration of the Committee Substitute bill is postponed until Wednesday, July 8.

S. B. 323, House Committee Substitute for **S. B. 323**, a bill to validate certain marriages, for concurrence in the House Committee Substitute bill.

On motion of Senator Barnes, the Senate concurs in the House Committee Substitute bill and the bill is ordered enrolled.

S. B. 505, a bill to create employment opportunities for blind and severely handicapped persons by assuring a market for products provided by them.

Without objection, the Chair places the bill on the Calendar for Tuesday, July 7, for consideration.

S. B. 681, a bill to amend Chapters 96 and 84 of the General Statutes to permit persons supervised by attorneys to represent parties in proceedings before the Employment Security Commission, as amended, with pending Amendment No. 2.

On motion of Senator Hancock, duly seconded, the bill, as amended, with pending Amendment No. 2, is postponed indefinitely.

S. B. 704, a bill to amend G. S. 147-62 to provide for assignments of claims against the State for cancer or intensive care insurance.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 728, a bill to provide military recruiter access to school records.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 736, a bill to amend G. S. 7A-289.24 and G. S. 7A-289.29 so as to provide that a guardian ad litem appointed pursuant to G. S. 7A-586 could petition for the termination of parental rights.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H. B. 96, Committee Substitute for **H. B. 96**, a bill to amend G. S. 20-24 concerning reports of convictions sent to the Division of Motor Vehicles.

On motion of Senator Johnson, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 118, a bill to require the reporting of complete and accurate criminal histories to the State Bureau of Investigation.

On motion of Senator Hancock, Committee Amendment No. 1 is adopted.

On motion of Senator Hancock, consideration of the bill, as amended, is postponed until Friday, July 3.

H. B. 122, Committee Substitute for **H. B. 122**, a bill to require forfeiture of any gain resulting from a felony.

On motion of Senator Soles, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 370, Committee Substitute for **H. B. 370**, a bill to clarify the provisions relating to territorial rating in nonfleet private passenger automobile insurance.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 415, Committee Substitute for **H. B. 415**, a bill to apportion the districts of the North Carolina House of Representatives, with pending Amendment No. 1, upon third reading.

Without objection, Senator Walker withdraws pending Amendment No. 1.

The Committee Substitute bill passes its third reading and is ordered enrolled.

H. B. 669, a bill to allow housing authority tenants to serve as Authority commissioners.

On motion of Senator Johnson, Committee Amendment No. 1 is adopted.

Senator Allsbrook offers Amendment No. 2 which is adopted.

The bill, as amended, passes its second reading.

On objection of Senator Allred to its third reading, the bill, as amended, remains on the Calendar for further consideration.

H. B. 748, Committee Substitute for **H. B. 748**, a bill regulating the purchase, or exchange of supplies, equipment and materials by local boards of education in certain counties.

On motion of Senator Hancock, Committee Amendment No. 1 is adopted.

Senator Soles offers Amendment No. 2 which is adopted.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

H. B. 952, a bill to insure that finance charges or interest is imposed only on the past-due balance of credit card accounts.

On motion of Senator Lawing, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1068, Committee Substitute for **H. B. 1068**, a bill to make technical changes to the Private Protective Services Act.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 1116, a bill to modify the membership of the State Fire Commission and to clarify the authority of the Commission.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1152, a bill regarding the award of attorneys' fees in caveat proceedings which have substantial merit.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1168, a bill to make clear that the State may be either a third party plaintiff or defendant in certain actions.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1184, a bill to limit the annual increase in the number of State employees, upon third reading.

On motion of Senator Lawing, consideration of the bill is postponed until Friday, July 3.

H. B. 1191, a bill regarding the declarant's and witnesses' certificates to a "living will."

Senator Soles offers Amendment No. 1 which is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1209, a bill to amend Chapter 90, Article 6 of the General Statutes relating to the practice of optometry.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1216, Committee Substitute for **H. B. 1216**, a bill to allow the preservation of the home place.

On motion of Senator Walker, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1229, a bill to remove barriers to coordinating human service and volunteer transportation.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1272, a bill to validate deeds filed on or before December 31, 1980.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1288, a bill to make certain technical amendments to the Nurse Practice Act. Senator Harris offers Amendment No. 1 which is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

Bills and resolutions on the Calendar for today are taken up and disposed of as follows:

S. B. 546, Committee Substitute for **S. B. 546**, a bill to require that all accident and health insurance policies provide for coverage for treatment in State tax-supported institutions, for concurrence in House Amendment No. 1.

On motion of Senator Wynne, the Senate concurs in House Amendment No. 1 and the Committee Substitute bill is ordered enrolled.

S. B. 582, House Committee Substitute for **S. B. 582**, a bill to require the purchase of insurance or the posting of a cash bond before a professional housemover's license will be issued, for concurrence in the House Committee Substitute bill.

On motion of Senator Barnes, the Senate concurs in the House Committee Substitute bill and the bill is ordered enrolled.

S. B. 618, Committee Substitute for **S. B. 618**, a bill to change the selection of the local board of trustees of community colleges and technical institutes.

On motion of Senator Noble, consideration of the Committee Substitute bill is postponed until Friday, July 3.

S. B. 666, Committee Substitute for **S. B. 666**, a bill to define the term "school" for the purposes of enforcement of the compulsory attendance laws, upon third reading.

The Committee Substitute bill passes its third reading.

Senator Barnes moves that the vote by which the Committee Substitute bill passed its third reading be reconsidered, which motion prevails.

On motion of Senator Barnes, further consideration of the Committee Substitute bill is postponed until Friday, July 3.

S. B. 680, Committee Substitute for **S. B. 680**, a bill to set maximum punishment for certain speeding offenses, as amended, upon third reading.

On motion of Senator Royall, the Committee Substitute bill, as amended, is referred to the **Appropriations Committee**.

S. B. 713, a bill to amend G. S. 163-106(d) to require that candidates for the State Senate indicate vacancy when filing.

On motion of Senator Rauch, consideration of the bill is postponed until Tuesday, July 7.

S. B. 716, House Committee Substitute for **S. B. 716**, a bill to amend the Statesville City Charter, concerning the Civil Service Board, for concurrence in the House Committee Substitute bill.

On motion of Senator Redman, the Senate concurs in the House Committee Substitute bill and the bill is ordered enrolled.

H. B. 7, Senate Committee Substitute for Committee Substitute for **H. B. 7**, a bill to eliminate surcharges on clean risks, to continue the cap on automobile insurance rates, to provide for independent action by and reasonable price competition among automobile and property insurers and the regulation and monitoring thereof, and to provide for more accurate and reliable rate standards and classifications.

Senator Mathis offers Amendment No. 1 which is adopted.

Senator Soles offers Amendment No. 2.

On motion of Senator Lawing, consideration of the Senate Committee Substitute bill, as amended, with pending Amendment No. 2, is postponed until Tuesday, July 7.

H. B. 353, a bill to regulate interest rates on life insurance policy loans, upon third reading.

Senator Noble offers Amendment No. 1 which is adopted.

The bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 514, a bill to amend Article 6 of Chapter 147 of the General Statutes concerning authorized investments for the General Fund and the Highway Fund.

The bill passes its second and third readings and is ordered enrolled.

H. B. 542, a bill to require persons hunting on the land of another to have permission of the landowner in Gates County, upon second reading.

Senator Thomas of Craven offers Amendment No. 1 which is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Boger, Cavanagh, Clarke, Cockerham, Duncan, Frye, Garrison, Gray, Hancock, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Lawing, Marion, Marvin, Mathis, Mills, Noble, Raynor, Redman, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 39.

The bill, as amended, remains on the Calendar upon third reading.

Senator Allred moves that the vote by which the bill, as amended, passed its second reading be reconsidered, which motion prevails.

Senator Harrington calls the previous question, duly seconded. The call is sustained.

The bill, as amended, passes its second reading by roll-call vote, ayes 44, noes 1, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Barnes, Boger, Cavanagh, Clarke, Cockerham, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, Mills, Noble, Palmer, Rauch, Raynor, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 44.

Voting in the negative: Senator Redman — 1.

The bill, as amended, remains on the Calendar upon third reading.

H. B. 549, a bill to provide that the Guilford County Board of Education shall be elected on the nonpartisan primary and election method, upon second reading.

The bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Barnes, Boger, Cavanagh, Clarke, Cockerham, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Harris, Jenkins, Jernigan, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Noble, Palmer, Rauch, Raynor, Redman, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 43.

The bill remains on the Calendar upon third reading.

H. B. 628, Committee Substitute for **H. B. 628**, a bill to amend the Carolina Beach Charter to provide for popular election of the mayor and to change from the plurality method to the election and runoff election method.

On motion of Senator McDuffie, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

S. B. 752, a bill to amend the fees of notaries.

The bill passes its second and third readings.

Senator Kincaid moves that the vote by which the bill passed its third reading be reconsidered, which motion fails to prevail.

Senator Kincaid and Senator Baker request to be recorded voting "no" on the passage of the bill.

The bill is ordered, without objection, sent to the House of Representatives by Special Messenger.

H. B. 934, a bill to amend Chapter 160A of the General Statutes to authorize municipalities to participate in the Urban Development Action Grant Program, as amended, upon third reading.

The bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 991, Committee Substitute for **H. B. 991**, a bill to authorize additional voluntary payroll deductions in order to enhance membership in the independent employee associations.

Senator Rauch offers Amendment No. 1 which fails of adoption.

The Committee Substitute bill passes its second reading.

On objection of Senator Wright to its third reading, the bill remains on the Calendar for further consideration.

H. B. 1144, a bill to permit licensing of life insurance corporations.

On motion of Senator Mathis, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1146, Senate Committee Substitute for Committee Substitute for **H. B. 1146**, a bill to provide for release of non-identifying adoption information, upon third reading.

Senator Rauch offers Amendment No. 1.

Senator McDuffie requests a division of Amendment No. 1.

Senator Rauch offers a motion that consideration of the Senate Committee Substitute bill, with pending Amendment No. 1, be postponed until Tuesday, July 7, which motion prevails.

H. B. 1147, Committee Substitute for **H. B. 1147**, a bill to provide that registrars, judges and assistants shall receive at least the State minimum wage on election day.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 1185, a bill to establish standards for the collection, use, and disclosure of information gathered in connection with insurance transactions by insurers, agents, and insurance-support organizations, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Boger, Cavanagh, Clarke, Cockerham, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 46.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1188, a bill to amend G. S. 7A-506 to add eight additional members to the North Carolina Courts Commission.

Senator Swain offers Amendment No. 1 which is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1222, a bill to allow county boards of elections to establish voting precincts without regard to township lines.

On motion of Senator McDuffie, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1248, Senate Committee Substitute for **H. B. 1248**, a bill to modify public school residence requirements as enacted by Chapter 567, Session Laws of 1981, for a person who resides in a place that is not his domicile either because his parent or guardian is a college or university student, employee or faculty member.

On motion of Senator Wynne, consideration of the Senate Committee Substitute bill is postponed until Tuesday, July 7.

H. B. 1256, a bill to make it a felony to falsify Department of Transportation inspection reports, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 1, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Barnes, Boger, Cavanagh, Clarke, Cockerham, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Harrington, Harris, Jernigan, Johnson, Jordan, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 44.

Voting in the negative: Senator Jenkins — 1.

The bill is ordered enrolled.

H. B. 1268, a bill to remove 1.8897 acres of land from the corporate limits of the City of Salisbury to change the course of a portion of the existing City boundary and de-annex the property which lies on the northeast side of the new town boundary.

Senator Marion offers Amendment No. 1 which is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1291, a bill to amend Chapter 116, Article 23, of the General Statutes, pertaining to the State Education Assistance Authority for the purpose of authorizing the making of parental loans to aid resident students in pursuing their education beyond the high school level, upon third reading.

The bill passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Barnes, Boger, Cavanagh, Clarke, Cockerham, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Harrington, Harris, Jenkins, Jernigan, Johnson, Kincaid, Lawing, Marion, Marvin, Mathis, Mills, Noble, Palmer, Raynor, Redman, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 43.

The bill is ordered enrolled.

H. B. 1294, a bill to raise the ceiling for reporting names of political contributors. The bill passes its second and third readings and is ordered enrolled.

H. B. 1297, a bill to substantially reenact the power of county boards of commissioners to reapportion themselves because of substantial population inequality where the voters of a district nominate or elect the commissioner.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1316, a bill to prohibit the taking of bears in Bladen County by the use of bait, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Barnes, Boger, Cavanagh, Clarke, Cockerham, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Noble, Palmer, Rauch, Raynor, Redman, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 45.

The bill remains on the Calendar upon third reading.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 677, an act regarding disciplinary hearings for engineers and surveyors.

H. B. 288, Committee Substitute for **H. B. 288**, an act to amend Chapter 84 of the General Statutes of North Carolina relating to the North Carolina State Bar and to remove Article 4 of that Chapter from the automatic termination provisions of G. S. 143-34.12.

H. B. 370, Committee Substitute for **H. B. 370**, an act to clarify the provisions relating to territorial rating in nonfleet private passenger automobile insurance.

H. B. 1116, an act to modify the membership of the State Fire Commission and to clarify the authority of the Commission.

On motion of Senator Lawing, seconded by Senator Rauch, the Senate adjourns to meet tomorrow at 10:00 A.M.

ONE HUNDRED TWENTY-SECOND DAY

SENATE CHAMBER,
Friday, July 3, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, as we prepare to celebrate this weekend, the 205th Anniversary of our Declaration of Independence as a free Nation, we pause to give You thanks for the blessings we here enjoy. We thank You for those men and women of the past and present who have given unselfishly of their energy, their talents and their lives that we might enjoy the blessings of this land. Help us to use this occasion for joy, and for rededication to those principles that have made this Nation great. Keep alive in us the belief that we are indeed all created as equals, and that each of us is endowed by You with an inalienable right to life, liberty, and the pursuit of happiness. Amen."

The President grants leaves of absence to Senators Duncan, Harris, and Mathis for today. A leave of absence granted previously to Senator Ballenger is noted.

APPOINTMENTS OF THE GOVERNOR

The President directs the Reading Clerk to read the following message from the Governor:

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
July 2, 1981

The Honorable James C. Green
Lieutenant Governor
State Legislative Building
Raleigh, North Carolina

Dear Jimmy:

In compliance with G. S. 106-2, I submit the following appointments to the State Board of Agriculture for confirmation by the Senate:

1. Wiley W. Shore
Route 1, Box 430
Yadkinville, N.C. 27055
(for a term expiring 5/4/87)
2. James L. Sutherland (for reappointment)
710 McNeill Drive
Laurinburg, N.C. 28352
(for a term expiring 5/4/87)
3. John L. Parker, Jr. "Piggy"
Lazy Hill Road
Colerain, N.C. 27924
(for a term expiring 5/4/83)

July 3, 1981

4. Sen. Vernon E. White
P.O. Box 41
Winterville, N.C. 28590
(for a term expiring 5/4/87)

Biographical data is attached for Southerland, Parker, and Shore.

I shall appreciate your assistance in prompt consideration of these nominees.

My warmest personal regards.

Sincerely,
S/ JAMES B. HUNT, JR.
Governor of North Carolina

Notification of these appointments is referred to the **Agriculture Committee**.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S. B. 87, House Committee
Substitute for **S. B. 87**

House of Representatives
July 2, 1981

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Committee Substitute to **S. B. 87**, a bill to be entitled an act to divide North Carolina into eleven congressional districts, the Speaker has appointed as conferees on the part of the House, Representatives Huskins, Chairman; James, Bone, Bobby Etheridge, Adams, Tennille, Morgan, Rabon, Quinn, J. Hunt, R. Hunter, Brubaker, and Holmes, to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
GRACE COLLINS
Principal Clerk

S. B. 685, House Committee
Substitute for **S. B. 685**

House of Representatives
July 2, 1981

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Committee Substitute to **S. B. 685**, a bill to be entitled an act to require consent of certain county boards of commissioners before land in those counties may be condemned or acquired by a unit of local government outside those counties, the Speaker has appointed as conferees on the part of the House, Representatives Church, Ellis, and Watkins, to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
GRACE COLLINS
Principal Clerk

July 3, 1981

H. B. 319, Senate Committee
Substitute for **H. B. 319**

House of Representatives
July 3, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Senate Committee Substitute for House Committee Substitute for **H. B. 319**, a bill to be entitled an act to authorize boards of elections to hold executive sessions after public hearing, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
GRACE COLLINS
Principal Clerk

CONFERENCE REPORT

H. B. 319, Senate Committee
Substitute for **H. B. 319**

Senator McDuffie, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H. B. 319**, Senate Committee Substitute for House Committee Substitute for **H. B. 319**, a bill to authorize boards of elections to hold executive sessions after public hearings, submits the following report:

To the President of the Senate and
the Speaker of the House of Representatives:

We, your conferees appointed to resolve the differences arising between the Senate and the House of Representatives on the Senate Committee Substitute for the House Committee Substitute for **H. B. 319**, wish to report as follows:

We recommend that Section 1 be rewritten to read:

"Section 1. G. S. 143-318.11(a) is amended by adding a new subsection at the end to read:

'(19) To plan investigations and receive investigative reports requested by a board of elections concerning election frauds, irregularities, election contests, or violations of the election laws. Following a public hearing during which it is alleged or apparent that any election official may have committed an act of misconduct, a board of elections may meet in executive session to deliberate, adjudicate, and reach its decision on whether further action shall be ordered or whether no further action shall be ordered against any election official. Each member's vote on the decision shall be a matter of public record.' "

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the day of

JAMES D. McDUFFIE
RUSSELL WALKER
HAROLD W. HARDISON
*Conferees on the part
of the Senate*

DOUGLAS CLARK
WILLIAM T. WATKINS
ROBERT C. HUNTER
*Conferees on the part
of the House of Representatives*

July 3, 1981

On motion of Senator McDuffie, the Conference Report is adopted and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator McDuffie for the **Election Laws Committee**:

S. B. 747, a bill to require the name and address of all nonresident contributors to political campaigns be reported, with a favorable report.

S. B. 749, a bill to permit corporations to purchase a maximum of two tickets to political dinners and events at which an admission fee is charged, with a favorable report.

By Senator Raynor for the **Law Enforcement and Crime Control Committee**:

H. B. 1262, a bill to amend Chapter 160A of the General Statutes to allow police and sheriffs to assist State law enforcement agencies, with a favorable report.

By Senator Thomas of Craven for the **Natural and Economic Resources and Wildlife Committee**:

S. B. 742, a bill to control underground injection, with a favorable report, as amended.

On motion of Senator Thomas of Craven, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted. The bill, as amended, is ordered engrossed and re-referred to the **Finance Committee**.

H. B. 1173, a bill to establish a program to purchase and maintain coastal lands subject to natural hazards for beach access and use, with a favorable report, as amended.

On motion of Senator Thomas of Craven, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted. The bill, as amended, is re-referred to the **Appropriations Committee**.

H. B. 1273, a bill to amend G. S. 113-189 relating to the protection of sea turtles, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Garrison, Jenkins, Jordan, and Raynor:

S. B. 760, a bill to provide equitable retirement benefits for the sheriffs of North Carolina.

Referred to **Pensions and Retirement Committee**.

By Senators Mathis and McDuffie:

S. B. 761, a bill to provide emergency funds to replace federal funds necessary for community programs for the physically handicapped.

Referred to **Appropriations Committee**.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S. B. 29, Committee Substitute for **S. B. 29**, a bill to make appropriations for current operations of State departments, institutions, and agencies, and for other purposes, for concurrence in House Amendments No. 1 and No. 2.

Senator Hardison offers a motion that the rules be suspended to allow the Committee Substitute bill be placed on the Calendar for immediate consideration, which motion fails to prevail for lack of a two-thirds majority affirmative vote. The Committee Substitute bill is placed on the Calendar for Tuesday, July 7.

S. B. 30, Committee Substitute for **S. B. 30**, a bill to make appropriations to provide capital improvements for State departments, institutions and agencies, for concurrence in House Amendment No. 1.

Senator Hardison offers a motion that the rules be suspended to allow the Committee Substitute bill be placed on the Calendar for immediate consideration, which motion fails to prevail for lack of a two-thirds majority affirmative vote. The Committee Substitute bill is placed on the Calendar for Tuesday, July 7.

S. B. 261, House Committee Substitute for Committee Substitute for **S. B. 261**, a bill to index to the Consumer Price Index the earnable difference for disability beneficiaries of the State administered retirement programs, for concurrence in the House Committee Substitute bill.

Referred to **Pensions and Retirement Committee**.

S. B. 543, a bill regarding firearms and explosives at civil disorders, for concurrence in House Amendment No. 1, which is placed on the Calendar for Tuesday, July 7.

S. B. 633, Committee Substitute for **S. B. 633**, a bill regarding deposit of funeral and burial trust funds, for concurrence in House Amendment No. 1.

On motion of Senator Hancock, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration.

Senator Hancock moves that the Senate do not concur in House Amendment No. 1 and further moves that the President appoint conferees, which motion prevails. The President defers appointment of the conferees.

H. B. 89, Committee Substitute for **H. B. 89**, a bill to regulate precious metal businesses.

Referred to **Rules and Operation of the Senate Committee**.

H. B. 354, Committee Substitute for **H. B. 354**, a bill to provide an income tax credit for the cost of modifying an oil or gas-fired boiler system or kiln system to make it capable of using wood, coal or peat as its primary fuel, or for replacing an oil or gas-fired boiler or kiln with one of these systems.

Referred to **Ways and Means Committee**.

H. B. 1287, Committee Substitute for **H. B. 1287**, a bill to authorize a limited driving privilege when a license is suspended pursuant to G. S. 20-16(a)(9), and to change the applicable speed for suspension.

Referred to **Judiciary I Committee**.

H. B. 1344, a bill to make technical corrections to Chapter 626 of the 1981 Session Laws and the speedy trial law.

Referred to **Judiciary III Committee**.

H. B. 1345, a bill to make a technical amendment in Chapter 500 of the 1981 Session Laws.

Referred to **Judiciary II Committee**.

H. J. R. 1357, a joint resolution memorializing Congress to commemorate the Fourth of July by passing House Joint Resolution 282.

On motion of Senator Creech, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered enrolled.

H. B. 1367, a bill to extend the expiration date of the fair access insurance plan.

Referred to **Insurance Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

S. B. 571, Committee Substitute for **S. B. 571**, a bill to transfer and reorganize the North Carolina Housing Finance Agency, for concurrence in House Amendment No. 1 which is placed on the Calendar for Tuesday, July 7.

H. J. R. 356, Committee Substitute for **H. J. R. 356**, a joint resolution requesting the Revenue Laws Study Committee to study the taxation of property owned by nonprofit community development corporations.

Referred to **Appropriations Committee**.

H. B. 484, a bill to preserve at death, property rights acquired by married persons while they resided in community property states as recommended by the General Statutes Commission.

Referred to **Judiciary II Committee**.

H. B. 667, a bill to allow Dare County to levy an additional one percent sales and use tax.

Referred to **Finance Committee**.

H. B. 1088, Committee Substitute for **H. B. 1088**, a bill revising procedures for administration of local zoning regulations.

Referred to **Judiciary II Committee**.

H. B. 1223, a bill to require speech and language pathologists employed by the Department of Public Instruction to hold master's degrees.

Referred to **Education Committee**.

H. B. 1228, Committee Substitute for **H. B. 1228**, a bill to set a definite execution date for persons sentenced to death.

Referred to **Judiciary III Committee**.

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H. B. 1263, Committee Substitute for **H. B. 1263**, a bill to redefine the newspapers eligible to accept legal advertising in McDowell and Chatham Counties.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 1332, a bill to provide military recruiter access to school records.

On motion of Senator Jenkins, the bill is placed on the Calendar for Wednesday, July 8, preceding **S. B. 278**.

H. B. 1333, a bill to add two members to the America's Four Hundredth Anniversary Committee.

Referred to **Rules and Operation of the Senate Committee**.

H. J. R. 1335, a joint resolution honoring the life and memory of Edwin Smith Pou.

Referred to **Rules and Operation of the Senate Committee**.

H. B. 1337, a bill to bring the Dare County Board of Commissioners under the second primary law.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 1341, a bill to grant a six and six-tenths percent increase in the retirement allowances of beneficiaries in the North Carolina Local Governmental Employees' Retirement System payable beginning July 1, 1981, and to make a technical correction in the death benefit plan.

Referred to **Pensions and Retirement Committee**.

H. B. 1346, a bill to direct the Courts Commission to study the collection of money judgments.

Referred to **Courts and Judicial Districts and Criminal Justice Committee**.

H. B. 1351, a bill concerning filling vacancies in office in Avery County.

On motion of Senator Cockerham, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

(Senator Lawing presides over a portion of today's Session.)

S. J. R. 386, Committee Substitute No. 2 for Committee Substitute for **S. B. 386**, a joint resolution to urge local school boards to require school bus drivers to have at least one years' experience as a licensed driver.

Without objection, the Chair directs that consideration of the Committee Substitute joint resolution be postponed until Tuesday, July 7.

S. B. 532, a bill to clarify requirements for licensure of domiciliary homes, for concurrence in House Amendment No. 1.

On motion of Senator Gray, the Senate concurs in House Amendment No. 1 and the bill is ordered enrolled.

S. B. 568, a bill to amend, subject to the approval of the electorate, Article V of the Constitution of North Carolina to authorize the issuance of revenue bonds to finance and refinance higher education facilities owned by nonprofit corporations, for concurrence in House Amendment No. 1, upon second reading.

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On motion of Senator Clarke, the Senate concurs in House Amendment No. 1 by roll-call vote, ayes 30, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Boger, Clarke, Cockerham, Creech, Daniels, Frye, Garrison, Gray, Hardison, Jernigan, Jordan, Lawing, Marion, Mills, Noble, Palmer, Raynor, Redman, Smith, Speed, Swain, Ward, Warren, White, Wright, and Wynne — 30.

The bill remains on the Calendar for concurrence upon third reading.

S. B. 606, a bill regarding jury consideration of evidence in criminal cases.

On motion of Senator Gray, consideration of the bill is postponed until Tuesday, July 7.

S. B. 618, Committee Substitute for **S. B. 618**, a bill to change the selection of the local board of trustees of community colleges and technical institutes.

Senator Mills offers Amendment No. 1.

Without objection, the Chair recommits the Committee Substitute bill, with pending Amendment No. 1, to the **Higher Education Committee**.

S. B. 666, Committee Substitute for **S. B. 666**, a bill to define the term "school" for the purposes of enforcement of the compulsory attendance laws, upon third reading.

Senator Barnes offers Amendment No. 1.

On motion of Senator Speed, consideration of the Committee Substitute bill, with pending Amendment No. 1, is postponed until Tuesday, July 7, with an engrossed working copy ordered.

S. B. 682, a bill to amend Article 21 of Chapter 113 of the North Carolina General Statutes to amend the trapping and fur dealer license fees.

On motion of Senator Thomas of Craven, consideration of the bill is postponed until Tuesday, July 7.

S. B. 705, a bill to amend Chapter 116, Article 23, of the General Statutes, pertaining to the State Education Assistance Authority for the purpose of authorizing the making of parental loans to aid resident students in pursuing their education beyond the high school level, upon second reading.

On motion of Senator Walker, duly seconded, the bill is postponed indefinitely.

S. B. 730, a bill to resolve a conflict between Chapter 501, Session Laws of 1981 and G. S. 105-282.1 concerning annual application for historic property exemption.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H. B. 118, a bill to require the reporting of complete and accurate criminal histories to the State Bureau of Investigation, as amended.

Senator Hancock offers Amendment No. 2 which is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

H. B. 329, Committee Substitute for **H. B. 329**, a bill raising fees of registers of deeds, upon second reading.

Without objection, the Chair directs that consideration of the Committee Substitute bill be postponed until Tuesday, July 7.

H. B. 439, Senate Committee Substitute for Committee Substitute for **H. B. 439**, a bill to amend Chapter 66 of the General Statutes to protect trade secrets, upon third reading.

Without objection, the Chair directs that consideration of the Senate Committee Substitute bill be postponed until Tuesday, July 7.

H. B. 542, a bill to require persons hunting on the land of another to have permission of the landowner in Gates County, as amended, upon third reading.

Senator Allred offers Amendment No. 2 which fails of adoption.

The bill, as amended, passes its third reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Frye, Garrison, Gray, Hancock, Harrington, Jenkins, Jernigan, Johnson, Jordan, Lawing, Marion, Marvin, Noble, Rauch, Raynor, Redman, Royall, Smith, Speed, Thomas of Craven, Walker, Ward, Warren, White, Wright, and Wynne — 37.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 549, a bill to provide that the Guilford County Board of Education shall be elected on the nonpartisan primary and election method, upon third reading.

The bill passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Frye, Garrison, Gray, Hancock, Harrington, Jenkins, Jernigan, Jordan, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Walker, Ward, Warren, Wright, and Wynne — 39.

The bill is ordered enrolled.

H. B. 650, Committee Substitute for **H. B. 650**, a bill to be called the Archaeological Resources Protection Act, upon second reading.

On motion of Senator Hancock, consideration of the Committee Substitute bill is postponed until Tuesday, July 7.

H. B. 669, a bill to allow housing authority tenants to serve as Authority commissioners, as amended, upon third reading.

Senator Kincaid offers Amendment No. 3 which is adopted.

The bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1, No. 2 and No. 3.

H. B. 715, Committee Substitute for **H. B. 715**, a bill to be called the Unmarked Human Burial and Human Skeletal Remains Protection Act, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Jenkins, Jernigan, Jordan, Kincaid, Lawing, Marion, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Wright, and Wynne — 39.

The Committee Substitute bill remains on the Calendar upon third reading.

H. B. 991, Committee Substitute for **H. B. 991**, a bill to authorize additional voluntary payroll deductions in order to enhance membership in the independent employee associations, upon third reading.

Senator Johnson offers Amendment No. 2 which is adopted.

Senator Wright offers Amendment No. 3. On motion of Senator Garrison, seconded by Senator Hardison, Amendment No. 3 is tabled.

Senator Rauch, as Vice-Chairman of the **Finance Committee**, requests a fiscal note be prepared.

The Chair directs a fiscal note prepared and the Committee Substitute bill placed on the Calendar for Tuesday, July 7.

H. B. 1122, a bill to amend the Local Government Finance Act to allow the Local Government Commission to charge fees for services rendered on other than general obligation bonds, upon second reading.

Senator Noble offers a motion that consideration of the bill be postponed until Tuesday, July 7.

Without objection, the Chair re-refers the bill to the **Ways and Means Committee**.

H. B. 1127, Committee Substitute for **H. B. 1127**, a bill to amend the Fair Sentencing Act of 1981 to make sale or delivery of a controlled substance to a minor an aggravating factor.

On motion of Senator Creech, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1184, a bill to limit the annual increase in the number of State employees, upon third reading.

Without objection, the Chair directs that consideration of the bill be postponed until Tuesday, July 7.

H. B. 1212, a bill to provide that a person may obtain a cartway if no public road or railroad affords access to land.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1224, a bill to amend G. S. 160A-17.1 to authorize local governments to comply with minority business enterprise requirements of grant programs.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1235, a bill to regulate hunting and fishing on the registered property of another, upon second reading.

The bill passes its second reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Frye, Garrison, Gray, Hancock, Harrington, Jenkins, Jernigan, Jordan, Kincaid, Lawing, Marvin, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Walker, Ward, Warren, Wright, and Wynne — 37.

The bill remains on the Calendar upon third reading.

H. B. 1254, a bill to amend the laws governing school administrative unit bank deposits with respect to security of public deposits.

On motion of Senator Warren, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1265, a bill to amend the tax law in relation to an international banking facility, upon second reading.

The bill passes its second reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Boger, Cavanagh, Clarke, Cockerham, Creech, Frye, Garrison, Gray, Hancock, Harrington, Jenkins, Jernigan, Jordan, Lawing, Marion, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 37.

The bill remains on the Calendar upon third reading.

H. B. 1275, a bill to remove surety bond requirements for State officials.

On motion of Senator Hancock, consideration of the bill is postponed until Tuesday, July 7.

H. B. 1284, a bill to amend Part 10 of Article 10 of Chapter 143B of the General Statutes of North Carolina, relating to the North Carolina State Ports Authority, as to the issuance of bonds and notes and the financing of facilities and improvements for private parties, upon second reading.

The bill passes its second reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Barnes, Boger, Clarke, Cockerham, Creech, Daniels, Frye, Garrison, Gray, Hancock, Harrington, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marvin, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Walker, Ward, Warren, White, Wright, and Wynne — 38.

The bill remains on the Calendar upon third reading.

H. B. 1286, a bill amending the Health Care Facilities Finance Act (Chapter 131A of the General Statutes of North Carolina, As Amended) to permit the financing of facilities for the continuing care of the elderly and infirm, upon second reading.

On motion of Senator Walker, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Frye, Garrison, Gray, Hancock, Harrington, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marvin, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 40.

Senator Lawing moves that the vote by which the bill, as amended, passed its second reading be reconsidered, which motion prevails.

Senator Raynor offers Amendment No. 2 which is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 33, noes 1, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Barnes, Clarke, Cockerham, Creech, Daniels, Frye, Garrison, Gray, Hancock, Hardison, Jernigan, Johnson, Jordan, Lawing, Marion, Marvin, Mills, Noble, Rauch, Redman, Smith, Speed, Swain, Thomas of Craven, Ward, Warren, White, Wright, and Wynne — 33.

Voting in the negative: Senator Boger — 1.

The bill, as amended, remains on the Calendar upon third reading.

H. B. 1299, a bill to exempt investigations of applicants to the State Bar from the fee the State Bureau of Investigation is required to charge for furnishing certain information.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1303, a bill to permit the Town of Mebane to impose a tax on automobiles of three dollars, upon second reading.

The bill passes its second reading by roll-call vote, ayes 31, noes 5, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Frye, Garrison, Gray, Hancock, Harrington, Jenkins, Jernigan, Johnson, Jordan, Marion, Noble, Palmer, Rauch, Raynor, Smith, Speed, Swain, Thomas of Craven, Walker, Ward, Warren, and Wynne — 31.

Voting in the negative: Senators Baker, Cockerham, Kincaid, Redman, and Wright — 5.

The bill remains on the Calendar upon third reading.

H. B. 1307, a bill to allow the Town of Plymouth to collect on motor vehicles a tax of not more than five dollars, upon second reading.

The bill passes its second reading by roll-call vote, ayes 35, noes 5, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Frye, Garrison, Gray, Hancock, Harrington, Jenkins, Jernigan, Johnson, Jordan, Lawing, Marion, Marvin, Mills, Noble, Palmer, Rauch, Raynor, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Wright, and Wynne — 35.

Voting in the negative: Senators Baker, Cockerham, Kincaid, Redman, and Smith — 5.

The bill remains on the Calendar upon third reading.

H. B. 1316, a bill to prohibit the taking of bears in Bladen County by the use of bait, upon third reading.

The bill passes its third reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Jenkins, Jernigan, Jordan, Lawing, Marion, McDuffie, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Walker, Ward, Warren, Wright, and Wynne — 38.

The bill is ordered enrolled.

H. B. 1320, a bill to abolish the office of coroner in Richmond County.

The bill passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 24, House Committee Substitute for Committee Substitute No. 2 for **S. B. 24**, an act for equitable distribution of marital property.

S. B. 313, Committee Substitute for **S. B. 313**, an act to establish senatorial districts and to apportion seats in the Senate among the districts.

S. B. 323, House Committee Substitute for **S. B. 323**, an act to validate certain marriages.

S. B. 546, Committee Substitute for **S. B. 546**, an act to require that all accident and health insurance policies provide for coverage for treatment in State tax-supported institutions.

S. B. 552, Committee Substitute for **S. B. 552**, an act to amend the business opportunity sales law.

S. B. 582, House Committee Substitute for **S. B. 582**, an act to require the purchase of insurance or the posting of a cash bond before a professional housemover's license will be issued.

S. B. 583, Committee Substitute for **S. B. 583**, an act to tax lessees and users of cropland or forestland owned by the United States, the State or its political subdivisions and used by the lessee or user in connection with a business conducted for profit.

S. B. 622, an act to allow sanitary districts to provide rescue services, and levy a tax therefor.

S. B. 695, an act to repeal a section of the Roanoke Rapids City Charter in conflict with G. S. 160A-64 concerning compensation of officials.

S. B. 716, House Committee Substitute for **S. B. 716**, an act to amend the Statesville City Charter, concerning the Civil Service Board.

H. B. 415, Committee Substitute for **H. B. 415**, an act to apportion the districts of the North Carolina House of Representatives.

H. B. 514, an act to amend Article 6 of Chapter 147 of the General Statutes concerning authorized investments for the General Fund and the Highway Fund.

H. B. 685, Senate Committee Substitute for **H. B. 685**, an act concerning election of the Brunswick County Board of Commissioners and the Brunswick County Board of Education.

H. B. 775, Committee Substitute for **H. B. 775**, an act to prohibit assaults and threats against general civil executive officers or against members of the General Assembly.

H. B. 782, an act to amend the Constitution of North Carolina to authorize the General Assembly to provide for a direct appeal from the North Carolina Utilities Commission to the Supreme Court.

H. B. 893, an act to require passenger restraint systems for children under four years of age.

H. B. 931, Committee Substitute for **H. B. 931**, an act to make it unlawful for professional solicitors to solicit charitable contributions by telephone.

H. B. 1041, Committee Substitute for **H. B. 1041**, an act to amend G. S. 75-33 relating to representations of eligibility to win a prize.

H. B. 1068, Committee Substitute for **H. B. 1068**, an act to make technical changes to the Private Protective Services Act.

H. B. 1121, an act to amend Article V of the Constitution of North Carolina to permit the General Assembly to grant to appropriate public bodies in the State additional powers to develop new and existing seaports and airports, including powers to finance and refinance for public and private parties seaport and airport and related facilities and improvements.

H. B. 1147, Committee Substitute for **H. B. 1147**, an act to provide that registrars, judges and assistants shall receive at least the State minimum wage on election day.

H. B. 1152, an act regarding the award of attorneys' fees in caveat proceedings which have substantial merit.

H. B. 1168, an act to make clear that the State may be either a third party plaintiff or defendant in certain actions.

H. B. 1209, an act to amend Chapter 90, Article 6 of the General Statutes relating to the practice of optometry.

H. B. 1229, an act to remove barriers to coordinating human service and volunteer transportation.

H. B. 1256, an act to make it a felony to falsify Department of Transportation inspection reports.

H. B. 1272, an act to validate deeds filed on or before December 31, 1980.

H. B. 1291, an act to amend Chapter 116, Article 23, of the General Statutes pertaining to the State Education Assistance Authority for the purpose of authorizing the making of parental loans to aid resident students in pursuing their education beyond the high school level.

H. B. 1294, an act to raise the ceiling for reporting names of political contributors.

H. B. 1297, an act to substantially reenact the power of county boards of commissioners to reapportion themselves because of substantial population inequality where the voters of a district nominate or elect the commissioner.

H. B. 1318, an act to amend Chapter 437, Session Laws of 1977 to permit professional boxing in Pitt and Wake Counties.

H. J. R. 1357, a joint resolution memorializing Congress to commemorate the Fourth of July by passing House Joint Resolution No. 282.

On motion of Senator Raynor, seconded by Senator Speed, the Senate adjourns to meet Tuesday, July 7, at 11:00 A.M.

ONE HUNDRED TWENTY-THIRD DAY

SENATE CHAMBER,
Tuesday, July 7, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

July 7, 1981

"Great God, we thank You for this Nation, for its noble aims, its freedom, its spirit of hope and opportunity. We are grateful for people who have come to our shores with customs and accents to enrich our life together. Forgive the wrongs we have done, and continue to do, in this land—the pride that overlooks national sin, divisions caused by prejudice or greed, our neglect of the rights of others. Help us to recapture the spirit of those founders of this land for whom liberty was a precious commodity, won at great personal sacrifice and therefore valued above all the other rights and privileges of a free people. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senators Marion and Vickery for today and a continuing leave of absence to Senator Garrison due to hospitalization. A leave of absence granted previously to Senator Ballenger is noted.

Senator Vickery is noted present for a portion of today's Session.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 364, Committee
Substitute for **H. B. 364**

House of Representatives
July 7, 1981

Mr. President:

It is ordered that a message be sent to your Honorable Body with the information that the House has adopted the report of the Conferees on Committee Substitute for **H. B. 364**, a bill to be entitled an act to abolish the inactive Land Policy Council and Advisory Committees on Land Policy, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
GRACE COLLINS
Principal Clerk

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Wynne for the **Higher Education Committee**:

S. B. 618, Committee Substitute for **S. B. 618**, a bill to change the selection of the local board of trustees of community colleges and technical institutes, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Wynne, the rules are suspended and the Committee Substitute bill No. 2 is placed before the Senate for immediate consideration.

On motion of Senator Wynne, Committee Substitute bill No. 2 is adopted, and on his further motion is placed on the Calendar for Wednesday, July 8.

July 7, 1981

By Senator Harris for the **Human Resources Committee**:

H. B. 750, a bill to amend G. S. 143B-153 to require the Social Services Commission to establish standards and adopt rules and regulations for payment of State funds to private child-caring institutions, with a favorable report.

By Senator Allsbrook for the **Judiciary I Committee**:

H. B. 518, Committee Substitute No. 2 for **H. B. 518**, a bill to revise the law of eminent domain as recommended by the General Statutes Commission, with a favorable report, as amended.

H. B. 1287, Committee Substitute for **H. B. 1287**, a bill to authorize a limited driving privilege when a license is suspended pursuant to G. S. 20-16(a)(9), and to change the applicable speed for suspension, with a favorable report.

By Senator Soles for the **Judiciary II Committee**:

S. B. 653, a bill to clarify the independence of the Industrial Commission from the Secretary of Commerce in the appointment of deputy commissioners and in the exercise of its quasi-judicial functions, with a favorable report.

S. B. 751, a bill to provide contempt powers for the Industrial Commission, with a favorable report.

H. B. 484, a bill to preserve at death, property rights acquired by married persons while they resided in community property states as recommended by the General Statutes Commission, with a favorable report.

H. B. 1088, Committee Substitute for **H. B. 1088**, a bill revising procedures for administration of local zoning regulations, with a favorable report.

H. B. 1097, Committee Substitute for **H. B. 1097**, a bill to amend G. S. 135-8(b)(5) and G. S. 128-30(b)(4) to provide alternative means of purchasing retirement service credits for educational programs, with a favorable report.

On motion of Senator Soles, the bill is re-referred to the **Ways and Means Committee**.

H. B. 1221, Committee Substitute for **H. B. 1221**, a bill to amend city and county laws relating to personnel records, with a favorable report.

H. B. 1345, a bill to make a technical amendment in Chapter 500 of the 1981 Session Laws, with a favorable report.

By Senator Creech for the **Judiciary III Committee**:

S. B. 11, a bill to provide for equitable distribution of property upon divorce, with an unfavorable report.

H. B. 75, Committee Substitute for **H. B. 75**, a bill for equitable distribution of marital property, with an unfavorable report.

H. B. 1228, Committee Substitute for **H. B. 1228**, a bill to set a definite execution date for persons sentenced to death, with a favorable report.

H. B. 1344, a bill to make technical corrections to Chapter 626 of the 1981 Session Laws and the speedy trial law, with a favorable report.

By Senator Jernigan for the **Manufacturing, Labor and Commerce Committee**:

H. B. 1107, a bill clarifying the rights of part-time and substitute employees of secondary schools to unemployment compensation benefits, with a favorable report.

By Senator Johnson for the **Public Utilities and Energy Committee**:

S. B. 594, Committee Substitute for **S. B. 594**, a bill to provide nominations by petition in all elections for directors of a telephone membership corporation and to reserve to only its members the power to amend the bylaws of the corporation pertaining to elections of directors, with a favorable report.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Jenkins:

S. B. 762, a bill to mandate physical examinations of State employees prior to employment at employees' expense.

On motion of Senator Jenkins, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger.

By Senator Daniels:

S. B. 763, a bill to appropriate funds for the Historic Bath State Historic Site.
Referred to **Appropriations Committee**.

By Senator Speed:

S. B. 764, a bill to improve the management capability for child nutrition programs operated by local boards of education.

Referred to **Appropriations Committee**.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S. B. 86, a bill to provide for the denial of renewals of driver's license for failure to appear in court, for concurrence in the House Committee Substitute bill which is placed on the Calendar for tomorrow, July 8.

S. B. 510, a bill to prevent disability retirement for a disabling condition which existed prior to membership in the Local Governmental Employees' Retirement System, the Teachers' and State Employees' Retirement System, the Uniform Judicial Retirement System and the Law Enforcement Officers' Benefit and Retirement Fund, for concurrence in the House Committee Substitute bill which is placed on the Calendar for tomorrow, July 8.

S. B. 539, Committee Substitute for **S. B. 539**, a bill to create the Charitable Solicitation Licensure Act, for concurrence in House Amendments No. 1 and No. 2, which is placed on the Calendar for tomorrow, July 8.

S. B. 676, a bill to make technical changes and clarifications regarding the jurisdiction of the North Carolina Rate Bureau, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, July 8.

H. B. 1208, Committee Substitute for **H. B. 1208**, a bill to provide for liens on personal property stored at self-service storage facilities.

Referred to **Judiciary II Committee**.

H. J. R. 1347, a joint resolution urging all managers with the State of North Carolina responsible for clerical personnel to give preference to certified professional secretaries for promotions and pay increases.

Referred to **Rules and Operation of the Senate Committee**.

H. B. 1361, a bill to authorize the Town of Atkinson to convey certain real property by private sale.

On motion of Senator Soles, the rules are suspended, and the bill is placed on the Calendar for Wednesday, July 8.

H. B. 119, Committee Substitute for **H. B. 119**, a bill to remove the defense of unlawful arrest in cases of resisting arrest.

Referred to **Judiciary II Committee**.

H. J. R. 235, Committee Substitute for **H. J. R. 235**, a joint resolution to direct the Wildlife Resources Commission to make a concerted effort through its educational and instructional programs to advise hunters of the proven safety value of wearing fluorescent orange clothing while hunting.

Referred to **Natural and Economic Resources and Wildlife Committee**.

H. J. R. 1240, a joint resolution directing the Secretary of Transportation to prepare rules and regulations regarding the removal of vegetation obscuring businesses and legally erected forms of advertising.

Referred to **Transportation Committee**.

H. B. 1261, Committee Substitute for **H. B. 1261**, a bill to exempt dances and other amusements sponsored by certain corporations from the license tax on amusements.

Referred to **Finance Committee**.

H. B. 1278, a bill to amend the previous 1981 acts concerning usury laws.

Referred to **Banking Committee**.

H. B. 1279, a bill to revise and consolidate the Charter of the City of Lexington and to repeal prior local acts.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 1310, a bill defining the scope of liability of certain public school employees or volunteers who render first aid or medical assistance.

Referred to **Judiciary II Committee**.

H. B. 1311, a bill to exempt the General Assembly from the requirement of purchasing through the Department of Administration when purchasing supplies, materials and equipment for less than five thousand dollars.

Referred to **Rules and Operation of the Senate Committee**.

H. B. 1325, a bill to amend the North Carolina Constitution to declare downtown development projects to be a public purpose and to permit the issuance of tax increment

bonds without voter approval.

Referred to **Constitutional Amendments Committee**.

H. B. 1326, a bill to permit North Carolina cities to use tax increment financing.
Referred to **Finance Committee**.

H. B. 1329, a bill relating to housing assistance in redevelopment areas and the allocation of the ceiling for mortgage bonds.

Referred to **Finance Committee**.

H. B. 1340, a bill to increase the retirement formula in the Local Governmental Employees' Retirement System.

Referred to **Pensions and Retirement Committee**.

H. B. 1354, a bill to allow Caswell County to convey a tract of land at private sale to the Cherokee Council of the Boy Scouts of America, Inc.

Referred to **Local Government and Regional Affairs Committee**.

H. B. 1365, a bill to charge a fee for issuing a license for each branch office for optometrists to enable the board to be self-sustaining.

Referred to **Finance Committee**.

H. B. 1368, a bill to correct a technical error in Chapter 759 of the 1981 Session Laws.

Referred to **Insurance Committee**.

H. B. 1374, a bill to authorize the Redevelopment Commission of the City of Kinston to permit disposition of land for a special purpose at fair market value without competitive bidding; to permit disposition of land on the basis other than the highest monetary bid, where such disposition is found to serve the best interest of the municipality, and to dispose of property at private sale.

On motion of Senator Hardison, the rules are suspended and the bill is placed before the Senate for immediate consideration.

Senator Hardison offers Amendment No. 1 which is adopted.

The bill, as amended, passes its second and third readings and is ordered returned to the House of Representatives for concurrence in Senate Amendment No. 1

WITHDRAWAL FROM COMMITTEE

S. B. 112, a bill to appropriate funds to the Department of Administration for purchase of part of the Methodist Home property for use of the North Carolina Museum of Natural History, and for renovations.

On motion of Senator White, the bill is taken from the **Agriculture Committee** and re-referred to the **Appropriations Committee**.

H. B. 684, Senate Committee Substitute for **H. B. 684**, a bill to provide income tax credits for expenditures for various alternative energy systems.

Pursuant to Rule 41.1, Senator Royall offers a motion that the rules be suspended and the Senate Committee Substitute bill be taken from the **Ways and Means Committee** and placed on the Calendar for Wednesday, July 8, which motion prevails.

H. B. 905, a bill to provide an individual income tax credit for child-care and other employment-related expenses.

Pursuant to Rule 41.1, Senator Royall offers a motion that the rules be suspended and the bill be taken from the **Ways and Means Committee** and placed on the Calendar for

Wednesday, July 8, which motion prevails.

H. B. 1059, Senate Committee Substitute for Committee Substitute for **H. B. 1059**, a bill to amend Chapter 143 of the General Statutes of North Carolina to create the North Carolina Manufactured Housing Board and to provide for the licensing and regulation of the manufactured housing industry.

Pursuant to Rule 41.1, Senator Duncan offers a motion that the rules be suspended and the Senate Committee Substitute bill be taken from the **Finance Committee** and placed on the Calendar for immediate consideration, upon second roll-call reading, which motion prevails.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 35, noes 2, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Baker, Barnes, Boger, Clarke, Cockerham, Creech, Duncan, Frye, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, Kincaid, Marvin, Mathis, Mills, Noble, Palmer, Rauch, Royall, Smith, Soles, Swain, Thomas of Craven, Vickery, Ward, Warren, White, and Wynne — 35.

Voting in the negative: Senators Allred and Wright — 2.

The Senate Committee Substitute bill remains on the Calendar upon third reading.

H. B. 1211, Committee Substitute for **H. B. 1211**, a bill to increase the penalties for intentionally setting forest fires, to increase reward for evidence sufficient for conviction under forest fire statute, and to provide that reward be paid from the State Fire Suppression Fund.

Pursuant to Rule 41.1, Senator Duncan offers a motion that the rules be suspended and the Committee Substitute bill be taken from the **Finance Committee** and placed on the Calendar for immediate consideration, upon second roll-call reading, which motion prevails.

Senator Thomas of Craven offers Amendment No. 1 which is adopted.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 34, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Barnes, Boger, Clarke, Cockerham, Creech, Duncan, Frye, Gray, Hancock, Harris, Jernigan, Johnson, Jordan, Kincaid, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Redman, Royall, Smith, Soles, Thomas of Craven, Ward, Warren, White, Wright, and Wynne — 34.

The Committee Substitute bill, as amended, remains on the Calendar upon third reading.

H. B. 1329, a bill relating to housing assistance in redevelopment areas and the allocation of the ceiling for mortgage bonds.

Pursuant to Rule 41.1, Senator Duncan moves that the bill be withdrawn from the **Finance Committee** and placed on the Calendar for immediate consideration, which motion prevails.

Without objection, the Chair directs that the bill be placed on the Calendar for tomorrow, July 8.

H. B. 1365, a bill to charge a fee for issuing a license for each branch office for optometrists to enable the board to be self-sustaining.

Pursuant to Rule 41.1, Senator Duncan moves that the bill be withdrawn from the **Finance Committee** and placed on the Calendar for immediate consideration, which motion prevails.

July 7, 1981

Without objection, the Chair directs that the bill be placed on the Calendar for tomorrow, July 8.

H. B. 1367, a bill to extend the expiration date of the fair access insurance plan.

On motion of Senator Mathis, the rules are suspended and the bill is taken from the **Insurance Committee** and is placed on the Calendar for today.

H. B. 1368, a bill to correct a technical error in Chapter 759 of the 1981 Session Laws.

On motion of Senator Mathis, the rules are suspended and the bill is taken from the **Insurance Committee** and is placed on the Calendar for today.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

Without objection, the rules are suspended to allow all bills and resolutions ordered sent to the House of Representatives today be delivered by Special Messenger, unless otherwise directed.

(Senator Lawing presides over a portion of today's Session.)

S. B. 29, Committee Substitute for **S. B. 29**, a bill to make appropriations for current operations of State departments, institutions, and agencies, and for other purposes, for concurrence in House Amendments No. 1 and No. 2.

On motion of Senator Hardison, the Senate concurs in House Amendments No. 1 and No. 2 and the Committee Substitute bill is ordered enrolled.

S. B. 30, Committee Substitute for **S. B. 30**, a bill to make appropriations to provide capital improvements for State departments, institutions and agencies, for concurrence in House Amendment No. 1.

On motion of Senator Hardison, the Senate concurs in House Amendment No. 1 and the Committee Substitute bill is ordered enrolled.

S. J. R. 386, Committee Substitute No. 2 for Committee Substitute for **S. B. 386**, a joint resolution to urge local school boards to require school bus drivers to have at least one year's experience as a licensed driver.

The Committee Substitute joint resolution passes its second reading.

On objection of Senator Wright to its third reading, the Committee Substitute joint resolution remains on the Calendar for further consideration.

S. B. 505, a bill to create employment opportunities for blind and severely handicapped persons by assuring a market for products provided by them.

On motion of Senator Barnes, the bill is re-referred to the **Appropriations Committee**.

S. B. 606, a bill regarding jury consideration of evidence in criminal cases.

Senator Gray offers Amendment No. 1 which is adopted.

Senator Gray calls the previous question, duly seconded. The call is sustained.

The bill, as amended, passes its second reading.

On objection of Senator Allsbrook to its third reading, the bill, as amended, remains on the Calendar for further consideration.

S. B. 666, Committee Substitute for **S. B. 666**, a bill to define the term "school" for the purposes of enforcement of the compulsory attendance laws, with pending Amendment No. 1, upon third reading.

On motion of Senator Marvin, the Committee Substitute bill, with pending Amendment No. 1, is recommitted to the **State Government Committee**.

S. B. 682, a bill to amend Article 21 of Chapter 113 of the North Carolina General Statutes to amend the trapping and fur dealer license fees.

On motion of Senator Mills, Committee Amendment No. 1 is adopted.

Senator Duncan offers Amendment No. 2 which is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 713, a bill to amend G. S. 163-106(d) to require that candidates for the State Senate indicate vacancy when filing.

On motion of Senator Rauch, consideration of the bill is postponed until Wednesday, July 8.

S. B. 747, a bill to require the name and address of all nonresident contributors to political campaigns be reported.

The bill passes its second reading.

On objection of Senator Kincaid to its third reading, the bill remains on the Calendar upon third reading.

S. B. 749, a bill to permit corporations to purchase a maximum of two tickets to political dinners and events at which an admission fee is charged.

The bill fails to pass its second reading.

H. B. 329, Committee Substitute for **H. B. 329**, a bill raising fees of registers of deeds, upon second reading.

On motion of Senator Swain, Committee Amendments No. 1 and No. 2 are adopted.

Senator Harris offers Amendment No. 3 which is adopted.

Senator Swain calls the previous question, duly seconded. The call is sustained.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 34, noes 6, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Barnes, Boger, Clarke, Creech, Duncan, Frye, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Johnson, Jordan, Lawing, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Raynor, Royall, Smith, Soles, Speed, Swain, Thomas of Henderson, Ward, Warren, White, and Wynne — 34.

Voting in the negative: Senators Baker, Cavanagh, Cockerham, Kincaid, Redman, and Wright — 6.

The Committee Substitute bill, as amended, remains on the Calendar upon third reading.

H. B. 439, Senate Committee Substitute for Committee Substitute for **H. B. 439**, a bill to amend Chapter 66 of the General Statutes to protect trade secrets, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Baker, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison,

Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marvin, Mathis, McDuffie, Noble, Palmer, Redman, Smith, Soles, Speed, Swain, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 39.

The Senate Committee Substitute bill remains on the Calendar upon third reading.

H. B. 650, Committee Substitute for **H. B. 650**, a bill to be called the Archaeological Resources Protection Act, upon second reading.

Senator Daniels offers Amendment No. 1 which is adopted.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Barnes, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marvin, Mathis, McDuffie, Noble, Palmer, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 40.

The Committee Substitute bill, as amended, remains on the Calendar upon third reading.

H. B. 715, Committee Substitute for **H. B. 715**, a bill to be called the Unmarked Human Burial and Human Skeletal Remains Protection Act, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Baker, Barnes, Boger, Cockerham, Creech, Duncan, Frye, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Johnson, Jordan, Lawing, Marvin, McDuffie, Mills, Palmer, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Walker, Ward, Warren, White, Wright, and Wynne — 35.

The Committee Substitute bill is ordered enrolled.

H. B. 991, Committee Substitute for **H. B. 991**, a bill to authorize additional voluntary payroll deductions in order to enhance membership in the independent employee associations, as amended, upon third reading.

Senator Rauch offers a motion that the Committee Substitute bill, as amended, be re-referred to the **Appropriations Committee**, which motion fails to prevail.

The Committee Substitute bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 2.

H. B. 1146, Senate Committee Substitute for Committee Substitute for **H. B. 1146**, a bill to provide for release of non-identifying adoption information, with pending Amendment No. 1.

Senator Marvin requests that Amendment No. 1 be divided. The Chair rules that Amendment No. 1 be divided into eight parts. Parts A and B are adopted, Part C fails of adoption. Parts D and E are adopted. Parts F, G, and H fail of adoption.

Senator Redman offers Amendment No. 2 which is adopted.

The Senate Committee Substitute bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 1184, a bill to limit the annual increase in the number of State employees, upon third reading.

Senator Allred offers Amendment No. 1 which fails of adoption.

Senator Royall offers Amendment No. 2 which is adopted.

The bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 2.

H. B. 1235, a bill to regulate hunting and fishing on the registered property of another, upon third reading.

The bill passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Baker, Barnes, Boger, Clarke, Cockerham, Creech, Duncan, Frye, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Johnson, Jordan, Lawing, Marvin, McDuffie, Mills, Noble, Palmer, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 39.

The bill is ordered enrolled.

H. B. 1265, a bill to amend the tax law in relation to an international banking facility, upon third reading.

The bill passes its third reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Baker, Barnes, Boger, Clarke, Cockerham, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Johnson, Jordan, Lawing, Marvin, McDuffie, Mills, Noble, Palmer, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 38.

The bill is ordered enrolled.

H. B. 1284, a bill to amend Part 10 of Article 10 of Chapter 143B of the General Statutes of North Carolina, relating to the North Carolina State Ports Authority, as to the issuance of bonds and notes and the financing of facilities and improvements for private parties, upon third reading.

The bill passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Baker, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Johnson, Jordan, Lawing, Marvin, McDuffie, Mills, Noble, Palmer, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 41.

The bill is ordered enrolled.

H. B. 1286, a bill amending the Health Care Facilities Finance Act (Chapter 131A of the General Statutes of North Carolina, As Amended) to permit the financing of facilities for the continuing care of the elderly and infirm, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Baker, Barnes, Boger, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Johnson, Jordan, Lawing, Marvin, McDuffie, Noble, Palmer, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 39.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

H. B. 1303, a bill to permit the Town of Mebane to impose a tax on automobiles of three dollars, upon third reading.

The bill passes its third reading by roll-call vote, ayes 33, noes 5, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Barnes, Boger, Clarke, Cock-erham, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Johnson, Lawing, Marvin, McDuffie, Mills, Noble, Palmer, Raynor, Smith, Soles, Speed, Swain, Thomas of Craven, Walker, Ward, Warren, White, and Wynne — 33.

Voting in the negative: Senators Baker, Kincaid, Redman, Royall, and Wright — 5.
The bill is ordered enrolled.

H. B. 1307, a bill to allow the Town of Plymouth to collect on motor vehicles a tax of not more than five dollars, upon third reading.

The bill passes its third reading by roll-call vote, ayes 33, noes 5, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Barnes, Boger, Clarke, Cock-erham, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Johnson, Lawing, Marvin, McDuffie, Mills, Noble, Palmer, Raynor, Smith, Soles, Speed, Swain, Thomas of Craven, Walker, Ward, Warren, White, and Wynne — 33.

Voting in the negative: Senators Baker, Kincaid, Redman, Royall, and Wright — 5.
The bill is ordered enrolled.

Bills and resolutions remaining on the Calendar are temporarily displaced to allow ratification of the following:

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 532, an act to clarify requirements for licensure of domiciliary homes.

S. B. 617, an act to provide changes in the valuation and nonforfeiture standards of the benefit certificates of fraternal benefit societies and to delete the five thousand dollar non-medical examination limitation.

S. B. 630, an act to amend the Mecklenburg County Sales and Use Tax Act.

S. B. 636, an act to clarify G. S. 105-277.4(c) with regard to payment of property taxes upon disqualification of land used for agricultural or horticultural purposes.

S. J. R. 648, a joint resolution honoring the life and work of Paul Green, North Carolina's former Dramatist Laureate.

S. B. 699, an act to amend the structural pest control act to clarify the jurisdiction of the superior and district courts for violations of the act.

S. B. 707, an act to provide a simplified campaign finance reporting system for municipalities with a population of 50,000 or over.

S. B. 739, an act concerning the power of cities to require hookups to leased water and sewer lines.

H. B. 96, Committee Substitute for **H. B. 96**, an act to amend G. S. 20-24 concerning reports of convictions sent to the Division of Motor Vehicles.

H. B. 122, Committee Substitute for **H. B. 122**, an act to require forfeiture of any gain resulting from a felony.

H. B. 286, Senate Committee Substitute for Committee Substitute for **H. B. 286**, an act to amend Chapter 90, Article 16, of the General Statutes relating to dental hygienists.

H. B. 319, Senate Committee Substitute for House Committee Substitute for **H. B. 319**, an act to authorize boards of elections to hold executive sessions after public hearings.

H. B. 353, an act to regulate interest rates on life insurance policy loans.

H. B. 549, an act to provide that the Guilford County Board of Education shall be elected on the nonpartisan primary and election method.

H. B. 628, Committee Substitute for **H. B. 628**, an act to amend the Carolina Beach Charter to provide for popular election of the mayor and to change from the plurality method to the election and runoff election method.

H. B. 715, Committee Substitute for **H. B. 715**, an act to be called the Unmarked Human Burial and Human Skeletal Remains Protection Act.

H. B. 748, Committee Substitute for **H. B. 748**, an act regulating the purchase, or exchange of supplies, equipment and materials by local boards of education in certain counties.

H. B. 952, an act to insure that finance charges or interest is imposed only on the past-due balance of credit card accounts.

H. B. 1144, an act to permit licensing of life insurance corporations.

H. B. 1185, an act to establish standards for the collection, use, and disclosure of information gathered in connection with insurance transactions by insurers, agents, and insurance-support organizations.

H. B. 1188, an act to amend G. S. 7A-506 to add eight additional members to the North Carolina Courts Commission.

H. B. 1191, an act regarding the declarant's and witnesses' certificates to a "living will."

H. B. 1212, an act to provide that a person may obtain a cartway if no public road or railroad affords access to land.

H. B. 1216, Committee Substitute for **H. B. 1216**, an act to allow the preservation of the home place.

H. B. 1222, an act to allow the Catawba County Board of Elections to establish voting precincts without regard to township lines.

H. B. 1224, an act to amend G. S. 160A-17.1 to authorize local governments to comply with minority business enterprise requirements of grant programs.

H. B. 1235, an act to regulate hunting and fishing on the registered property of another.

H. B. 1265, an act to amend the tax law in relation to an international banking facility.

H. B. 1268, an act to remove 1.8897 acres of land from the corporate limits of the City of Salisbury to change the course of a portion of the existing City boundary and de-annex the property which lies on the northeast side of the new town boundary.

H. B. 1284, an act to amend Part 10 of Article 10 of Chapter 143B of the General Statutes of North Carolina, relating to the North Carolina State Ports Authority, as to the issuance of bonds and notes and the financing of facilities and improvements for private parties.

H. B. 1288, an act to make certain technical amendments to the Nurse Practice Act.

H. B. 1299, an act to exempt investigations of applicants to the State Bar from the fee the State Bureau of Investigation is required to charge for furnishing certain information.

H. B. 1303, an act to permit the Town of Mebane to impose a tax on automobiles of three dollars.

H. B. 1307, an act to allow the Town of Plymouth to collect on motor vehicles a tax of not more than five dollars.

H. B. 1316, an act to prohibit the taking of bears in Bladen County by the use of bait.

H. B. 1320, an act to abolish the office of coroner in Richmond County.

H. B. 1351, an act concerning filling vacancies in office in Avery County.

CALENDAR

Consideration of bills and resolutions remaining on the Calendar is resumed.

H. B. 7, Senate Committee Substitute for Committee Substitute for **H. B. 7**, a bill to eliminate surcharges on clean risks, to continue the cap on automobile insurance rates, to provide for independent action by and reasonable price competition among automobile and property insurers and the regulation and monitoring thereof, and to provide for more accurate and reliable rate standards and classifications, as amended, with pending Amendment No. 2.

Senator Hardison, seconded by Senator Royall, offers a motion that the Senate do now adjourn to meet tomorrow at 11:00 A.M., which motion prevails. The Chair declares the Senate stands adjourned.

ONE HUNDRED TWENTY-FOURTH DAY

SENATE CHAMBER,
Wednesday, July 8, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"God our Father, we wait for Your Spirit to speak to us, but often fail to hear because the voice You use is that of our brothers and sisters. We expect lightning bolts and thunder, but are not attuned to the sweet, calm voice of reason. We want visions in the

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sky, and so fail to notice the beauty at our feet. We long to do deeds of daring service in exotic places, but pass by the needy at our door. Make us sensitive to Your will, O God, in whatever ways You choose to speak to us, that we may live righteously, walk humbly, and do justice in the land. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senators Wynne and Thomas of Craven for today. Leaves of absence granted previously to Senators Ballenger and Garrison are noted.

CHANGE OF VOTE

H. B. 991, Committee Substitute for **H. B. 991**, a bill to authorize additional voluntary payroll deductions in order to enhance membership in the independent employee associations.

Without objection, Senator Frye is allowed to change his vote from "aye" to "no" on the motion of Senator Rauch on July 7, to re-refer the Committee Substitute bill, as amended, to the **Appropriations Committee**.

CONSENT TO APPOINTMENTS

Senator Speed, Vice-Chairman of the **Agriculture Committee**, submits the following report:

REPORT OF SENATE AGRICULTURE COMMITTEE ON APPOINTMENTS TO THE STATE BOARD OF AGRICULTURE

The Senate Committee on Agriculture, which has been charged by the Lieutenant Governor with the duty of inquiring into the qualifications and fitness of persons appointed by the Governor in cases where appointments are subject to consent by the Senate of the General Assembly, reports as follows:

The Senate Agriculture Committee recommends that in compliance with G. S. 106-2, that the members of the Senate vote to give consent to the following appointments of the Governor to membership on the State Board of Agriculture:

Wiley W. Shore of Yadkinville, North Carolina
(For a term to expire 5-4-87)

James L. Sutherland, Laurinburg, North Carolina
(For a term to expire 5-4-87)

John L. Parker, Jr. "Piggy", Colerain, North Carolina
(For a term to expire 5-4-83)

Senator Vernon E. White, Winterville, North Carolina
(For a term to expire 5-4-87)

S/ JAMES D. SPEED
Senate Agriculture Committee

On motion of Senator Speed, the Senate adopts the recommendations of the **Agriculture Committee**.

The Senate consents to the appointments of Wiley W. Shore, James L. Sutherland, John L. Parker, Jr., and Senator Vernon E. White as members of the State Board of Agriculture by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Henderson, Walker, Ward, Warren, and Wright — 43.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Mills for the **Banking Committee**:

H. B. 1141, Committee Substitute for **H. B. 1141**, a bill to amend G. S. 24-10(d) concerning assumption fees on real property loans, with a favorable report.

H. B. 1278, a bill to amend the previous 1981 acts concerning usury laws, with a favorable report.

By Senator Swain for the **Courts and Judicial Districts and Criminal Justice Committee**:

H. B. 1338, a bill to postpone changes in the jury summons form in Wake County, with a favorable report.

H. B. 1346, a bill to direct the Courts Commission to study the collection of money judgments, with a favorable report.

By Senator Mathis for the **Insurance Committee**:

S. B. 759, a bill establishing an assigned risk plan for bid, payment, performance, maintenance, and other bonds, with a favorable report, as amended.

By Senator Allsbrook for the **Judiciary I Committee**:

H. B. 1137, a bill regarding regulation of the purchase of handguns, with a favorable report, as amended.

H. B. 1277, a bill to provide for the merger of two contiguous sanitary districts, with a favorable report.

By Senator Marion for the **Local Government and Regional Affairs Committee**:

S. B. 748, a bill to amend the Boating Safety Act, with a favorable report.

On motion of Senator Marion, the rules are suspended and the bill is placed on today's Calendar for consideration.

H. B. 1263, Committee Substitute for **H. B. 1263**, a bill to redefine the newspapers eligible to accept legal advertising in McDowell and Chatham Counties, with a favorable report, as amended.

On motion of Senator Marion, the rules are suspended and the Committee Substitute bill is placed on today's Calendar for consideration.

H. B. 1279, a bill to revise and consolidate the Charter of the City of Lexington and to repeal prior local acts, with a favorable report.

On motion of Senator Marion, the rules are suspended and the bill is placed on today's Calendar for consideration.

H. B. 1337, a bill to bring the Dare County Board of Commissioners under the second primary law, with a favorable report.

On motion of Senator Marion, the rules are suspended and the bill is placed on today's Calendar for consideration.

H. B. 1354, a bill to allow Caswell County to convey a tract of land at private sale to the Cherokee Council of the Boy Scouts of America, Inc., with a favorable report.

On motion of Senator Marion, the rules are suspended and the bill is placed on today's Calendar for consideration.

By Senator Lawing for the **Rules and Operation of the Senate Committee:**

S. B. 737, a bill limiting gifts from certain contractors, subcontractors, and suppliers to elected officials, with a favorable report.

S. J. R. 758, a joint resolution commemorating the 200th Anniversary of the American victory at Yorktown, with a favorable report.

H. B. 89, Committee Substitute for **H. B. 89**, a bill to regulate precious metal businesses, with a favorable report, as amended.

On motion of Senator Lawing, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted.

On motion of Senator Lawing the Committee Substitute bill, as amended, is re-referred to the **Finance Committee**.

H. B. 1311, a bill to exempt the General Assembly from the requirement of purchasing through the Department of Administration when purchasing supplies, materials and equipment for less than five thousand dollars, with a favorable report.

On motion of Senator Lawing, the bill is re-referred to the **Appropriations Committee**.

H. J. R. 1335, a joint resolution honoring the life and memory of Edwin Smith Pou, with a favorable report, as amended.

H. J. R. 1347, a joint resolution urging all managers with the State of North Carolina responsible for clerical personnel to give preference to certified professional secretaries for promotions and pay increases, with a favorable report.

On motion of Senator Lawing, the joint resolution is re-referred to the **Appropriations Committee**.

By Senator Barnes for the **State Government Committee:**

H. B. 1214, Committee Substitute for **H. B. 1214**, a bill to amend the laws regulating bingo and raffles, with a favorable report, as amended.

CONFIRMATION OF APPOINTMENT

Senator Barnes for the **State Government Committee** submits the following report:

REPORT TO THE PRESIDENT OF THE SENATE

Mr. President:

Pursuant to General Statutes 126-2 and at your request, the Senate Committee on State Government, having met, recommend approval of the following candidates to serve on the State Personnel Commission:

Mr. Earl Tate
Mr. Billy Horne

The nominees were unanimously approved by those in attendance at the meeting of the Senate Committee on State Government.

Respectfully submitted,
S/ HENSON P. BARNES
*Chairman, Senate Committee
on State Government*

Senator Barnes moves that the Senate accept the recommendation of the **State Government Committee** and adopt the report, which motion prevails by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Vickery, Walker, Ward, Warren, White, and Wright — 43.

The Chair orders a Special Message sent to the House of Representatives informing that Honorable Body of such action.

The appointments are confirmed.

CONFERENCE REPORT

S. B. 229, House Committee
Substitute for **S. B. 229**

Senator Vickery, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **S. B. 229**, House Committee Substitute for **S. B. 229**, a bill to make sundry amendments relating to local governments in Orange County, submits the following report.

To the President of the Senate and
the Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Committee Substitute for Senate Bill 229, a bill to be entitled an act to make sundry amendments relating to local governments in Orange County, wish to report as follows:

The Senate concurs in the House Committee Substitute with the following amendments:

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on page 6, delete lines 15 through 27
 on page 7, delete lines 1 through 8
 on page 7, line 9, delete "Sec. 9." and insert in lieu thereof "Sec. 8."
 on page 7, line 11, delete "Sec. 10.", and insert "Sec. 9."
 on page 7, delete lines 17 through 20
 on page 7, line 21, delete "Sec. 12." and insert "Sec. 10."
 on page 8, line 6 by deleting "13" and inserting "11", and by deleting "and 12" and inserting "and 10"
 on page 8, line 8 by deleting "5, and 11", and inserting "and 5"
 on page 8, line 9 by deleting the word "Section"
 on page 8, lines 10 and 11 by deleting the lines
 on page 8, line 12 by deleting "9", and inserting "8"
 on page 8, line 13 by deleting "10", and inserting "9"
 on page 8, lines 14 and 15 by rewriting the lines to read: "Sec. 12. This act is effective upon ratification."

The House concurs in the above amendments.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 2nd day of July 1981.

CHARLES E. VICKERY
 W. CRAIG LAWING
 GEORGE W. MARION, JR.
*Conferees on the part
 of the Senate*

EDITH L. LUTZ
 DAVID H. DIAMONT
 PATRICIA S. HUNT
*Conferees on the part
 of the House of Representatives*

The Chair declares the Conference Report requires a call of the roll and it is before the Senate upon second reading.

On motion of Senator Vickery; the Conference Report is adopted by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Jenkins, Jernigan, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wright — 40.

The Conference Report remains on the Calendar, for adoption, upon third reading.

H. B. 364, Committee
 Substitute for **H. B. 364**

Senator Hardison, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H. B. 364**, Committee Substitute for **H. B. 364**, a bill to abolish the inactive Land Policy Council and Advisory Committee on Land Policy, submits the following report:

To the President of the Senate and
 the Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Bill 364, a bill to be entitled an act to abolish the inactive Land Policy Council and Advisory Committee on Land Policy, wish to

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report as follows: that we have conferred and agreed to amend the bill on page 1, line 6 by placing a period after the word "abolished" and deleting the remainder of the sentence ending on line (7) seven.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 7th day of July, 1981.

JOSEPH J. HARRINGTON

HAROLD W. HARDISON

HENSON P. BARNES

*Conferees on the part
of the Senate*

EDD NYE

NED R. SMITH

DAVID W. BUMGARDNER, JR.

*Conferees on the part
of the House of Representatives*

On motion of Senator Hardison, the Conference Report is adopted and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

Senator Warren moves that Rule 40 be suspended to allow the introduction of the following joint resolution, which motion prevails by a two-thirds majority vote.

By Senator Warren:

S. J. R. 765, a joint resolution commending the work of the principal clerks and their staffs, committee clerks, secretaries, Legislative Services staff, and other staff who assist the General Assembly.

On motion of Senator Warren, the rules are suspended and the joint resolution is placed on the Calendar for Thursday, July 9.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S. B. 502, Committee Substitute No. 2 for **S. B. 502**, a bill setting forth duties of skiers and ski area operators and limitations thereof, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, July 9.

S. B. 658, House Committee Substitute for **S. B. 658**, a bill to authorize the use of variable or adjustable rate loans for financing mobile or manufactured homes, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, July 9.

H. B. 1349, a bill to mandate that the Department of Human Resources house certain residents in or escapees from its institutions who have committed crimes while still residing in the institution subsequent to escape.

Referred to **Human Resources Committee**.

H. B. 1350, a bill to add two youth members each to the Juvenile Law Study Commission, the Competency Test Commission, the Parks and Recreation Council, and the Governor's Crime Commission.

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Referred to **State Government Committee**.

H. J. R. 1358, a joint resolution authorizing the Lieutenant Governor and the Speaker of the House of Representatives to appoint a liaison committee to work with the Department of Commerce concerning the Expo '82 in Knoxville, Tennessee.

On motion of Senator Jordan, the rules are suspended and the joint resolution is placed on the Calendar for today.

H. B. 1378, a bill to allow the Hyde County Board of Education to convey its interest in a certain tract of land to the Scranton Volunteer Fire Department.

On motion of Senator Daniels, the rules are suspended and the bill is placed on the Calendar for today.

CALENDAR

Without objection, the rules are suspended to allow all bills and resolutions sent to the House of Representatives today be delivered by Special Messenger, unless otherwise directed.

Bills and resolutions on the Calendar, carried forward as unfinished business for yesterday, July 7, are taken up and disposed of as follows:

(Senator Lawing presides over a portion of today's Session.)

S. B. 543, a bill regarding firearms and explosives at civil disorders, for concurrence in House Amendment No. 1.

On motion of Senator Barnes, the Senate concurs in House Amendment No. 1 and the bill is ordered enrolled.

S. B. 568, a bill to amend, subject to the approval of the electorate, Article V of the Constitution of North Carolina to authorize the issuance of revenue bonds to finance and refinance higher education facilities owned by nonprofit corporations, for concurrence in House Amendment No. 1, upon third reading.

On motion of Senator Clarke, the Senate concurs in House Amendment No. 1 by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wright — 44.

Having received a three-fifths majority affirmative vote, the bill is ordered enrolled.

S. B. 571, Committee Substitute for **S. B. 571**, a bill to transfer and reorganize the North Carolina Housing Finance Agency, for concurrence in House Amendment No. 1, upon second reading.

Senator Noble moves that the Senate do not concur in House Amendment No. 1, and further moves that the President appoint conferees, which motions prevail.

The President appoints Senators Noble, Royall, and Lawing as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H. B. 7, Senate Committee Substitute for Committee Substitute for **H. B. 7**, a bill to eliminate surcharges on clean risks, to continue the cap on automobile insurance rates,

to provide for independent action by and reasonable price competition among automobile and property insurers and the regulation and monitoring thereof, and to provide for more accurate and reliable rate standards and classifications.

Without objection, the Chair directs that the Senate Committee Substitute bill be placed on the Calendar for today, following recess, as Special Order of Business No. 1.

H. B. 1248, Senate Committee Substitute for **H. B. 1248**, a bill to modify public school residence requirements as enacted by Chapter 567, Session Laws of 1981, for a person who resides in a place that is not his domicile either because his parent or guardian is a college or university student, employee or faculty member.

On motion of Senator Creech, consideration of the Senate Committee Substitute bill is postponed until Thursday, July 9.

H. B. 1262, a bill to amend Chapter 160A of the General Statutes to allow police and sheriffs to assist State law enforcement agencies.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1273, a bill to amend G. S. 113-189 relating to the protection of sea turtles. The bill passes its second and third readings and is ordered enrolled.

H. B. 1275, a bill to remove surety bond requirements for State officials. The bill passes its second and third readings and is ordered enrolled.

H. B. 1367, a bill to extend the expiration date of the fair access insurance plan. The bill passes its second and third readings and is ordered enrolled.

H. B. 1368, a bill to correct a technical error in Chapter 759 of the 1981 Session Laws. The bill passes its second and third readings and is ordered enrolled.

Bills and resolutions on today's Calendar are taken up and disposed of as follows:

S. B. 278, Committee Substitute for **S. B. 278**, a bill to redefine "moped" to include those with either operable pedals or a kick starter.

On motion of Senator Jenkins, consideration of the Committee Substitute bill is postponed until Thursday, July 9.

S. B. 510, House Committee Substitute for **S. B. 510**, a bill to prevent disability retirement for a disabling condition which existed prior to membership in the Local Governmental Employees' Retirement System, the Teachers' and State Employees' Retirement System, the Uniform Judicial Retirement System and the Law Enforcement Officers' Benefit and Retirement Fund, for concurrence in the House Committee Substitute bill.

Senator Jenkins moves that the Senate do not concur in the House Committee Substitute bill, and further moves that the President appoint conferees, which motions prevail.

The President appoints Senators Jenkins, Palmer, and Lawing as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S. B. 539, Committee Substitute for **S. B. 539**, a bill to create the Charitable Solicitation Licensure Act, for concurrence in House Amendments No. 1 and No. 2.

On motion of Senator Speed, the Senate concurs in House Amendments No. 1 and No. 2 and the Committee Substitute bill is ordered enrolled.

S. B. 594, Committee Substitute for **S. B. 594**, a bill to provide nominations by petition in all elections for directors of a telephone membership corporation and to reserve to only its members the power to amend the bylaws of the corporation pertaining to elections of directors.

The Committee Substitute bill passes its second reading.

On objection of Senator Raynor to its third reading, the Committee Substitute bill remains on the Calendar for further consideration.

S. B. 676, a bill to make technical changes and clarifications regarding the jurisdiction of the North Carolina Rate Bureau, for concurrence in House Amendment No. 1.

On motion of Senator Mathis, the Senate concurs in House Amendment No. 1, and the bill is ordered enrolled.

S. B. 748, a bill to amend the Boating Safety Act.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H. B. 439, Senate Committee Substitute for Committee Substitute for **H. B. 439**, a bill to amend Chapter 66 of the General Statutes to protect trade secrets, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Swain, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wright — 44.

The Senate Committee Substitute bill is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 484, a bill to preserve at death, property rights acquired by married persons while they resided in community property states as recommended by the General Statutes Commission.

The bill passes its second and third readings and is ordered enrolled.

H. B. 650, Committee Substitute for **H. B. 650**, a bill to be called the Archaeological Resources Protection Act, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Swain, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wright — 44.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1059, Senate Committee Substitute for Committee Substitute for **H. B. 1059**, a bill to amend Chapter 143 of the General Statutes of North Carolina to create the North Carolina Manufactured Housing Board and to provide for the licensing and regulation of the manufactured housing industry, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 43, noes 1, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Swain, Thomas of Henderson, Vickery, Walker, Ward, Warren, and White — 43.

Voting in the negative: Senator Wright — 1.

The Senate Committee Substitute bill is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 1088, Committee Substitute for **H. B. 1088**, a bill revising procedures for administration of local zoning regulations.

Senator Soles offers Amendment No. 1 which is adopted.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1107, a bill clarifying the rights of part-time and substitute employees of secondary schools to unemployment compensation benefits.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1211, Committee Substitute for **H. B. 1211**, a bill to increase the penalties for intentionally setting forest fires, to increase reward for evidence sufficient for conviction under forest fire statute, and to provide that reward be paid from the State Fire Suppression Fund, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Swain, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wright — 44.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1263, Committee Substitute for **H. B. 1263**, a bill to redefine the newspapers eligible to accept legal advertising in McDowell and Chatham Counties.

On motion of Senator Marion, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1279, a bill to revise and consolidate the Charter of the City of Lexington and to repeal prior local acts, upon second reading.

The bill passes its second reading by roll-call vote, ayes 33, noes 0, as follows:

Voting in the affirmative: Senators Alford, Baker, Barnes, Boger, Cavanagh, Clarke, Cockerham, Daniels, Frye, Gray, Harris, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, Mills, Noble, Palmer, Rauch, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Henderson, Ward, Warren, White, and Wright — 33.

The bill remains on the Calendar upon third reading.

H. B. 1337, a bill to bring the Dare County Board of Commissioners under the second primary law.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1354, a bill to allow Caswell County to convey a tract of land at private sale to the Cherokee Council of the Boy Scouts of America, Inc.

The bill passes its second and third readings and is ordered enrolled.

H. J. R. 1358, a joint resolution authorizing the Lieutenant Governor and the Speaker of the House of Representatives to appoint a liaison committee to work with the Department of Commerce concerning the Expo '82 in Knoxville, Tennessee.

The joint resolution passes its second and third readings and is ordered enrolled.

H. B. 1361, a bill to authorize the Town of Atkinson to convey certain real property by private sale.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1365, a bill to charge a fee for issuing a license for each branch office for optometrists to enable the board to be self-sustaining, upon second reading.

The bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Harrington, Harris, Jenkins, Jernigan, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wright — 43.

The bill remains on the Calendar upon third reading.

H. B. 1378, a bill to allow the Hyde County Board of Education to convey its interest in a certain tract of land to the Scranton Volunteer Fire Department.

The bill passes its second and third readings and is ordered enrolled.

On motion of Senator Lawing, the Senate recesses to reconvene at 1:30 P.M.

AFTERNOON SESSION

The Senate meets pursuant to recess and is called to order by the Honorable James C. Green, Lieutenant Governor.

H. B. 360

The Chair designates Senator Soles Chairman of the Conference Committee, appointed on June 8.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 29, Committee Substitute for **S. B. 29**, an act to make appropriations for current operations of State departments, institutions, and agencies, and for other purposes.

S. B. 30, Committee Substitute for **S. B. 30**, an act to make appropriations to provide capital improvements for State departments, institutions and agencies.

S. B. 721, an act concerning the bridge replacement program.

H. B. 118, an act to require the reporting of complete and accurate criminal histories to the State Bureau of Investigation.

H. B. 542, an act to require persons hunting on the land of another to have permission of the landowner in Gates County.

H. B. 669, an act to allow housing authority tenants to serve as Authority commissioners.

H. B. 934, an act to amend Chapter 160A of the General Statutes to authorize municipalities to participate in the Urban Development Action Grant Program.

H. B. 991, Committee Substitute for **H. B. 991**, an act to authorize additional voluntary payroll deductions in order to enhance membership in the independent employee associations.

H. B. 1184, an act to limit the annual increase in the number of State employees.

H. B. 1254, an act to amend the laws governing school administrative unit bank deposits with respect to security of public deposits.

H. B. 1286, an act amending the Health Care Facilities Finance Act (Chapter 131A of the General Statutes of North Carolina, As Amended) to permit the financing of facilities for the continuing care of the elderly and infirm.

H. B. 1374, an act to authorize the Redevelopment Commission of the City of Kinston to permit disposition of land for a special purpose at fair market value without competitive bidding; to permit disposition of land on the basis other than the highest monetary bid, where such disposition is found to serve the best interest of the municipality, and to dispose of property at private sale.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S. B. 87, House Committee
Substitute for Committee
Substitute No. 2 for **S. B. 87**

House of Representatives
July 8, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Committee Substitute for **S. B. 87**, a bill to be entitled an act to divide North Carolina into eleven Congressional Districts, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
GRACE COLLINS
Principal Clerk

July 8, 1981

CONFERENCE REPORT

S. B. 87, House Committee Substitute for
Committee Substitute No. 2 for **S. B. 87**

Senator Marvin, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **S. B. 87**, House Committee Substitute for Committee Substitute No. 2 for **S. B. 87**, a bill to divide North Carolina into eleven Congressional Districts, submits the following report, and moves that the Senate do adopt the report.

To the President of the Senate and
the Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on the Fifth Edition Engrossed to Senate Bill 87, a bill to be entitled an act to divide North Carolina into eleven Congressional Districts, wish to report as follows:

that the Senate and House rewrite Section 1 of the bill, beginning on page 2, line 17, to read:

"Section 1. G. S. 163-201 is rewritten to read:

§163-201. **Congressional districts specified.** — (a) For the purpose of nominating and electing members of the House of Representatives of the Congress of the United States in 1982 and every two years thereafter, the State of North Carolina shall be divided into 11 districts as follows:

FIRST DISTRICT: Beaufort, Bertie, Camden, Carteret, Chowan, Craven, Currituck, Dare, Gates, Greene, Hertford, Hyde, Lenoir, Martin, Northampton, Pamlico, Pasquotank, Perquimans, Pitt, Tyrrell and Washington Counties.

SECOND DISTRICT: Alamance, Caswell, Chatham, Edgecombe, Franklin, Granville, Halifax, Nash, Person, Vance, Warren, and Wilson Counties.

THIRD DISTRICT: Bladen, Duplin, Harnett, Johnston, Jones, Lee, Onslow, Pender, Sampson, and Wayne Counties.

FOURTH DISTRICT: Durham, Orange, and Wake Counties.

FIFTH DISTRICT: Alexander, Alleghany, Ashe, Forsyth, Rockingham, Stokes, Surry, and Wilkes Counties.

SIXTH DISTRICT: Davidson, Guilford, and Randolph Counties; and only the following townships of Moore County: Township 1 (Carthage), Township 3 (Sheffields), Township 4 (Ritters), Township 5 (Deep River), and Township 6 (Greenwood).

SEVENTH DISTRICT: Brunswick, Columbus, Cumberland, New Hanover, and Robeson Counties.

EIGHTH DISTRICT: Anson, Cabarrus, Davie, Hoke, Montgomery, Richmond, Rowan, Scotland, Stanly, Union, and Yadkin Counties; and all townships of Moore County except: Township 1 (Carthage), Township 3 (Sheffields), Township 4 (Ritters), Township 5 (Deep River), Township 6 (Greenwood).

NINTH DISTRICT: Iredell, Lincoln, and Mecklenburg Counties.

TENTH DISTRICT: Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, and Watauga Counties.

ELEVENTH DISTRICT: Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Swain, Transylvania, and Yancey Counties.

(b) The name and boundaries of townships specified in this section are as they were legally defined and in effect as of January 1, 1980, and recognized in the 1980 U. S. Census.'"

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report. Senator Walker and Representatives Adams and Morgan respectfully dissent from this report.

This the 8th day of July 1981.

HELEN R. MARVIN
ROBERT B. JORDAN
M. R. DANIELS
MARVIN WARD
KENNETH C. ROYALL, JR.
W. CRAIG LAWING
WILLIAM D. MILLS
R. C. SOLES, JR.
DALLAS L. ALFORD, JR.
WALTER C. COCKERHAM
R. P. THOMAS

*Conferees on the part
of the Senate*

J. P. HUSKINS
ROGER BONE
TOM RABON, JR.
JOHN J. HUNT
ROBERT HUNTER
VERNON G. JAMES
BOBBY R. ETHERIDGE
MARGARET TENNILLE
DWIGHT W. QUINN

*Conferees on the part
of the House of Representatives*

Senator Vickery, seconded by Senator Allred, offers a substitute motion that the Senate do not adopt the Conference Report, that the conferees be dismissed, and new conferees appointed. The Chair rules the substitute motion out of order.

On motion of Senator Marvin, the Conference Report is adopted, and the House Committee Substitute bill is ordered enrolled. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S. B. 571, Committee
Substitute for S. B. 571

House of Representatives
July 8, 1981

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Amendment to S. B. 571, a bill to be entitled an act to transfer and reorganize the North Carolina Housing Finance Agency, the Speaker has appointed as conferees on the part of the House, Representatives Gay, Church, and Watkins to act with a like committee on

July 8, 1981

the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
GRACE COLLINS
Principal Clerk

CONFERENCE REPORT

S. B. 685, House Committee
Substitute for S. B. 685

Senator Speed, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon S. B. 685, House Committee Substitute for S. B. 685, a bill to require consent of certain county boards of commissioners before land in those counties may be condemned or acquired by a unit of local government outside those counties, submits the following report:

To the President of the Senate and
the Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Committee Substitute for Senate Bill 685, a bill to be entitled an act to require consent of certain county boards of commissioners before land in those counties may be condemned or acquired by a unit of local government outside those counties, wish to report as follows:

The Senate concurs in the House Committee Substitute with the following amendment:

on page 1, line 10 of the House Committee Substitute, renumber Section 2 as Section 3 and add a new Section to read:

"Sec. 2. Chapter 283, Session Laws of 1981, is further amended by adding a new Section to read:

'Sec. 3.1. The provisions of Section 1 and 2 of this act shall not apply to land located in Warren, Vance, Granville, Person or Caswell Counties when the condemning or acquiring authority is an authority, board or commission established jointly by two or more municipalities or counties.' "

The House agrees to the above amendment.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the day of

JAMES D. SPEED
R. C. SOLES, JR.
CECIL R. JENKINS, JR.
*Conferees on the part
of the Senate*

JOHN T. CHURCH
THOMAS W. ELLIS, JR.
WILLIAM T. WATKINS
*Conferees on the part
of the House of Representatives*

On motion of Senator Speed, the Conference Report is adopted and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

July 8, 1981

WITHDRAWAL FROM COMMITTEE

S. B. 59, a bill to double the liquor taxes and make the increase payable to the Highway Fund.

Senator Marion offers a motion that the rules be suspended and the bill taken from the **Finance Committee** and placed on the Calendar for immediate consideration, which motion fails to prevail.

H. B. 89, Committee Substitute for **H. B. 89**, a bill to regulate precious metal businesses.

On motion of Senator Royall, the rules are suspended and the Committee Substitute bill is taken from the **Finance Committee** and is placed on the Calendar for tomorrow, July 9.

H. B. 1056, a bill to rewrite the Navigation Act.

On motion of Senator Soles, the rules are suspended and the bill is taken from the **Finance Committee** and is placed on the Calendar for today, upon second reading roll-call.

RE-REFERRAL

H. B. 1097, Committee Substitute for **H. B. 1097**, a bill to amend G. S. 135-8(b)(5) and G. S. 128-30(b)(4) to provide alternative means of purchasing retirement service credits for educational programs.

On motion of Senator Royall the Committee Substitute bill is taken from the **Ways and Means Committee** and referred to the **Pensions and Retirement Committee**.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hardison for the **Appropriations Committee**:

On motion of Senator Hardison, the rules are suspended and the following bills and resolutions are placed before the Senate for immediate consideration in the order reported from committee.

S. B. 418, a bill to provide that the magistrates' seniority salary steps take effect on the anniversary date of appointment, with a favorable report.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. J. R. 509, a joint resolution encouraging higher funding of adult day care so as to reduce more costly rest home expenditures, with a favorable report.

The joint resolution passes its second and third readings and is ordered sent to the House of Representatives.

S. J. R. 551, a joint resolution terminating the Criminal Code Commission, with a favorable report.

The joint resolution passes its second and third readings and is ordered sent to the House of Representatives.

S. J. R. 675, a joint resolution authorizing joint meetings of the Senate Committee on Banking and the House Committee on Banks and Thrift Institutions during the interim period between sessions of the 1981 General Assembly, with a favorable report.

The joint resolution passes its second and third readings and is ordered sent to the House of Representatives.

S. J. R. 693, a joint resolution pertaining to the adequacy, reliability and economy of electric power in the northeast region of the State of North Carolina, with a favorable report, upon third reading.

The joint resolution passes its third reading and is ordered sent to the House of Representatives.

H. B. 1098, Committee Substitute for **H. B. 1098**, a bill to create a domiciliary home residents' bill of rights, as amended, with a favorable report, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Barnes, Boger, Clarke, Cockerham, Creech, Daniels, Frye, Gray, Hancock, Hardison, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Henderson, Vickery, Walker, Ward, Warren, and Wright — 40.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. J. R. 1140, a joint resolution directing a study of the feasibility and desirability of combining annual vehicle inspection with annual vehicle registration, with a favorable report.

The joint resolution passes its second and third readings and is ordered enrolled.

S. J. R. 392, Committee Substitute for **S. J. R. 392**, a joint resolution authorizing the Mental Health Study Commission to study standards and procedures for all residential group care programs for children and youth, with a favorable report, as amended.

On motion of Senator Hardison, Committee Amendment No. 1 is adopted.

The Committee Substitute joint resolution, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 629, a bill to establish a study commission to study commercial fishing licenses and shellfish leases, with a favorable report, as amended.

On motion of Senator Royall, Committee Amendment No. 2 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

H. B. 195, Committee Substitute for **H. B. 195**, a bill to establish a Work Options Program for State Employees, with a favorable report, as amended.

On motion of Senator Hardison, Committee Amendment No. 2 is adopted.

The Committee Substitute bill, as amended, passes its second reading.

On objection of Senator Hardison to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for further consideration.

H. B. 455, Committee Substitute for **H. B. 455**, a bill to change the name and restructure the State Library Committee, with a favorable report, as amended.

On motion of Senator Allsbrook, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second and third readings and

is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 644, a bill to allow maximum workers' compensation to National Guardsmen, with a favorable report, as amended.

On motion of Senator Hardison, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 823, Committee Substitute for **H. B. 823**, a bill to establish a drug education program and to strengthen the laws against persons who possess controlled substances while allowing conditional discharge and expunction of records for first offense, with a favorable report, as amended.

On motion of Senator Hardison, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1233, a bill to amend the Emergency Services Act of 1973 relating to administration of epinephrine by trained lay persons in emergency situations caused by insect stings, with a favorable report, as amended.

On motion of Senator White, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

S. B. 126, a bill to transfer the responsibility for transportation of autistic children from the Department of Human Resources to the Department of Public Education, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hardison, the Committee Substitute bill is adopted, which changes the title to read, **S. B. 126**, Committee Substitute for **S. B. 126**, a bill to transfer the responsibility for transportation of autistic children from the Department of Human Resources to the Department of Public Education and to make a technical correction.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 570, a bill to appropriate funds for deferred prosecution and community service restitution for youthful and adult offenders, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hardison, the Committee Substitute bill is adopted, which changes the title to read, **S. B. 570**, Committee Substitute for **S. B. 570**, a bill regarding funds for deferred prosecution and community service restitution for youthful and adult offenders.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

H. B. 1173, a bill to establish a program to purchase and maintain coastal lands subject to natural hazards for beach access and use, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Hardison, the Senate Committee Substitute bill is adopted.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

By Senator Raynor for the **Law Enforcement and Crime Control Committee**:

S. B. 740, a bill to regulate the compensation paid to members of the State Highway Patrol Division and the Alcohol Law Enforcement Division of the Department of Crime Control and Public Safety for administratively unavoidable overtime work, with a favorable report.

On motion of Senator Raynor, the bill is re-referred to the **Appropriations Committee**.

H. B. 430, Committee Substitute No. 2 for **H. B. 430**, a bill to permit law enforcement officers to transport released persons, with a favorable report.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S. B. 510, House Committee
Substitute for **S. B. 510**

House of Representatives
July 8, 1981

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Committee Substitute to **S. B. 510**, a bill to be entitled an act to prevent disability retirement for a disabling condition which existed prior to membership in the Local Governmental Employees' Retirement System, the Teachers' and State Employees' Retirement System, the Uniform Judicial Retirement System and the Law Enforcement Officers' Benefit and Retirement Fund, the Speaker has appointed on the part of the House, Representatives Ellis, Colton, and Bob Etheridge, to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
GRACE COLLINS
Principal Clerk

S. B. 571, Committee
Substitute for **S. B. 571**

House of Representatives
July 8, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Committee Substitute for **S. B. 571**, a bill to be entitled an act to transfer and reorganize the North Carolina Housing Finance Agency, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
GRACE COLLINS
Principal Clerk

July 8, 1981

CONFERENCE REPORT

S. B. 571, Committee
Substitute for S. B. 571

Senator Noble, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon S. B. 571, Committee Substitute for S. B. 571, a bill to transfer and reorganize the North Carolina Housing Finance Agency, submits the following report:

To the President of the Senate and
the Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Committee Substitute for Senate Bill 571, a bill to be entitled an act to transfer and reorganize the North Carolina Housing Finance Agency, wish to report as follows: The Senate Conferees recommend that the Senate concur in the House Amendment and further amends the bill as follows:

on page 4, lines 11 and 12 by deleting the words and figures "July 1, 1981" and substituting the words "upon ratification."

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 8th day of 1981.

SAM R. NOBLE, *Chairman*
W. CRAIG LAWING
KENNETH C. ROYALL, JR.
Conferees on the part
of the Senate

WILLIAM C. GAY
JOHN T. CHURCH
WILLIAM T. WATKINS
Conferees on the part
of the House of Representatives

On motion of Senator Noble, the Senate adopts the Conference Report, and the bill is ordered enrolled. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S. B. 596, a bill to make uniform qualifications for and to prohibit conflict of interests by election officials, for concurrence in the House Committee Substitute bill.

Referred to **Rules and Operation of the Senate Committee.**

S. B. 603, Committee Substitute for S. B. 603, a bill to allow personal representatives in the probate of estates to use vouchers or other verified proof, for concurrence in House Amendment No. 1.

Referred to **Rules and Operation of the Senate Committee.**

S. B. 650, a bill to provide for service of notice of revocation of operators' licenses and vehicle registrations by mail or publication and to delete the requirement that pickup orders be served by law enforcement officers, for concurrence in House Amendments No. 1 and No. 2, which is placed on the Calendar for tomorrow, July 9.

S. B. 718, a bill to authorize sanitary districts to acquire, construct, maintain and operate sewage collection and disposal systems, water supply systems, water purification or treatment plants and other utilities to provide service outside the corporate limits of such districts and to validate prior actions by such districts with respect to such facilities, for concurrence in House Amendment No. 1.

On motion of Senator Swain, the rules are suspended, and the bill is placed on the Calendar for today.

H. B. 756, Committee Substitute for **H. B. 756**, a bill to authorize the Courts Commission to study election of superior court judges by division.

Referred to **Rules and Operation of the Senate Committee**.

H. B. 1078, Committee Substitute for **H. B. 1078**, a bill to recognize and provide for the creation of tentative trusts.

Referred to **Rules and Operation of the Senate Committee**.

H. B. 1317, Committee Substitute for **H. B. 1317**, a bill to make certain additions to the termination of parental rights statute.

Referred to **Rules and Operation of the Senate Committee**.

H. B. 1321, a bill to rewrite the Navigation Act.

Referred to **Rules and Operation of the Senate Committee**.

CALENDAR

Bills and resolutions remaining on the Calendar for today are taken up and disposed of as follows:

SPECIAL ORDER NO. 1

H. B. 7, Senate Committee Substitute
for Committee Substitute for **H. B. 7**

The hour having arrived for the consideration of Special Order No. 1, the President of the Senate lays before the Senate Special Order No. 1, it being **H. B. 7**, Senate Committee Substitute for Committee Substitute for **H. B. 7**, a bill to eliminate surcharges on clean risks, to continue the cap on automobile insurance rates, to provide for independent action by and reasonable price competition among automobile and property insurers and the regulation and monitoring thereof, and to provide for more accurate and reliable rate standards and classifications, as amended, with pending Amendment No. 2.

Without objection, the following Senators request to be excused from voting for the stated reasons:

Senator Kincaid: "Conflict of interest."

Senator McDuffie: (no reason stated)

Senator Noble: (no reason stated)

Senator Soles calls the previous question on Amendment No. 2, seconded by Senator Harrington. The call is sustained.

Amendment No. 2 is adopted, changing the title to read **H. B. 7**, Senate Committee Substitute for Committee Substitute for **H. B. 7**, a bill to eliminate surcharges on clean risks and continue the cap on automobile insurance rates.

Senator Lawing offers Amendment No. 3 which is adopted.

Senator Soles offers Amendment No. 4. Senator Mathis, seconded by Senator Jenkins, moves that Amendment No. 4 do lie upon the table, which motion fails to prevail. Amendment No. 4 is adopted.

The Senate Committee Substitute bill, as amended, passes its second and third readings, is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

S. B. 86, House Committee Substitute for **S. B. 86**, a bill to require a person who fails to appear in court to answer the charge or pay court costs before he may receive a driver's license, for concurrence in the House Committee Substitute bill.

On motion of Senator Barnes, the Senate concurs in the House Committee Substitute bill and the bill is ordered enrolled.

S. J. R. 386, Committee Substitute No. 2 for Committee Substitute for **S. B. 386**, a joint resolution to urge local school boards to require school bus drivers to have at least one years' experience as a licensed driver, upon third reading.

The Committee Substitute joint resolution passes its third reading and is ordered sent to the House of Representatives.

S. B. 606, a bill regarding jury consideration of evidence in criminal cases, as amended, upon third reading.

Senator Gray calls the previous question, duly seconded. The call is sustained.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives.

S. B. 618, Committee Substitute No. 2 for **S. B. 618**, a bill to change the selection of the local board of trustees of community colleges and technical institutes.

On motion of Senator Mills, the Committee Substitute bill No. 2 is recommitted to the **Higher Education Committee**.

S. B. 653, a bill to clarify the independence of the Industrial Commission from the Secretary of Commerce in the appointment of deputy commissioners and in the exercise of its quasi-judicial functions.

On motion of Senator Jordan, the bill is re-referred to the **Manufacturing, Labor and Commerce Committee**.

S. B. 713, a bill to amend G. S. 163-106(d) to require that candidates for the State Senate indicate vacancy when filing.

On motions of Senator Rauch, consideration of the bill is postponed until Thursday, July 9, and is set as Special Order No. 1.

S. B. 718, a bill to authorize sanitary districts to acquire, construct, maintain and operate sewage collection and disposal systems, water supply systems, water purification or treatment plants and other utilities to provide service outside the corporate limits of such districts and to validate prior actions by such districts with respect to such facilities, for concurrence in House Amendment No. 1.

On motion of Senator Swain, the Senate concurs in House Amendment No. 1 and the bill is ordered enrolled.

S. B. 747, a bill to require the name and address of all non-resident contributors to political campaigns be reported, upon third reading.

The bill passes its third reading and is ordered sent to the House of Representatives.

S. B. 751, a bill to provide contempt powers for the Industrial Commission.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H. B. 329, Committee Substitute for **H. B. 329**, a bill raising fees of registers of deeds, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 41, noes 3, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Barnes, Boger, Cavanagh, Clarke, Creech, Daniels, Duncan, Frye, Gray, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Royall, Smith, Soles, Speed, Swain, Thomas of Henderson, Vickery, Ward, Warren, and White — 41.

Voting in the negative: Senators Cockerham, Walker, and Wright — 3.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1, No. 2, and No. 3.

H. B. 518, Committee Substitute No. 2 for **H. B. 518**, a bill to revise the law of eminent domain as recommended by the General Statutes Commission, upon second reading.

On motion of Senator Swain, Committee Amendment No. 1 is adopted.

The Committee Substitute bill No. 2, as amended, passes its second reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Allred, Allsbrook, Baker, Barnes, Boger, Clarke, Cockerham, Creech, Daniels, Frye, Gray, Hancock, Hardison, Harrington, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marvin, Mathis, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Soles, Speed, Swain, Vickery, Walker, Ward, Warren, White, and Wright — 38.

The Committee Substitute bill No. 2, as amended, remains on the Calendar upon third reading.

The Chair directs that an engrossed working copy be prepared.

H. B. 684, Senate Committee Substitute for **H. B. 684**, a bill to provide income tax credits for expenditures for various alternative energy systems.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 750, a bill to amend G. S. 143B-153 to require the Social Services Commission to establish standards and adopt rules and regulations for payment of State funds to private child-caring institutions, upon third reading.

On motion of Senator Rauch, consideration of the bill is postponed until Thursday, July 9.

H. B. 905, a bill to provide an individual income tax credit for child-care and other employment-related expenses.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1056, a bill to rewrite the Navigation Act, upon second reading.

The bill passes its second reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Barnes, Boger, Cockerham, Daniels, Frye, Gray, Hancock, Hardison, Harrington, Jenkins, Jernigan,

Jordan, Kincaid, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Rauch, Redman, Royall, Smith, Soles, Swain, Thomas of Henderson, Walker, Ward, Warren, White, and Wright — 35.

The bill remains on the Calendar upon third reading.

H. B. 1221, Committee Substitute for **H. B. 1221**, a bill to amend city and county laws relating to personnel records, upon second reading.

Senator Johnson offers Amendment No. 1 which is adopted.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 34, noes 0, as follows:

Voting in the affirmative: Senators Allred, Allsbrook, Baker, Barnes, Clarke, Cockerham, Creech, Daniels, Frye, Gray, Hancock, Harrington, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Rauch, Raynor, Royall, Smith, Speed, Swain, Walker, Ward, Warren, White, and Wright — 34.

The Committee Substitute bill, as amended, remains on the Calendar upon third reading.

H. B. 1228, Committee Substitute for **H. B. 1228**, a bill to set a definite execution date for persons sentenced to death.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 1287, Committee Substitute for **H. B. 1287**, a bill to authorize a limited driving privilege when a license is suspended pursuant to G. S. 20-16(a)(9), and to change the applicable speed for suspension.

On motion of Senator Allsbrook, consideration of the Committee Substitute bill is postponed until Thursday, July 9.

H. B. 1329, a bill relating to housing assistance in redevelopment areas and the allocation of the ceiling for mortgage bonds, upon second reading.

The bill passes its second reading by roll-call vote, ayes 33, noes 1, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Barnes, Clarke, Creech, Daniels, Frye, Gray, Hancock, Hardison, Harrington, Jenkins, Jernigan, Jordan, Kincaid, Lawing, Marion, Marvin, Mills, Noble, Rauch, Raynor, Redman, Royall, Smith, Speed, Swain, Walker, Ward, Warren, White, and Wright — 33.

Voting in the negative: Senator Cockerham — 1.

The bill remains on the Calendar upon third reading.

H. B. 1332, a bill to provide military recruiter access to school records.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1344, a bill to make technical corrections to Chapter 626 of the 1981 Session Laws and the speedy trial law.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1345, a bill to make a technical amendment in Chapter 500 of the 1981 Session Laws.

The bill passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

July 8, 1981

S. B. 539, Committee Substitute for **S. B. 539**, an act to create the Charitable Solicitation Licensure Act.

S. B. 543, an act regarding firearms and explosives at civil disorders.

S. B. 568, an act to amend, subject to the approval of the electorate, Article V of the Constitution of North Carolina to authorize the issuance of revenue bonds to finance and refinance higher education facilities owned by nonprofit corporations.

S. B. 676, an act to make technical changes and clarifications regarding the jurisdiction of the North Carolina Rate Bureau.

S. B. 703, an act to amend the membership of the North Carolina Council for the Hearing Impaired.

S. B. 752, an act to amend the fees of notaries.

H. B. 364, Committee Substitute for **H. B. 364**, an act to abolish the inactive Land Policy Council and Advisory Committee on Land Policy.

H. B. 484, an act to preserve at death, property rights acquired by married persons while they resided in community property states as recommended by the General Statutes Commission.

H. B. 1107, an act clarifying the rights of part-time and substitute employees of secondary schools to unemployment compensation benefits.

H. B. 1262, an act to amend Chapter 160A of the General Statutes to allow police and sheriffs to assist State law enforcement agencies.

H. B. 1273, an act to amend G. S. 113-189 relating to the protection of sea turtles.

H. B. 1275, an act to remove surety bond requirements for State officials.

H. B. 1337, an act to bring the Dare County Board of Commissioners under the second primary law.

H. B. 1354, an act to allow Caswell County to convey a tract of land at private sale to the Cherokee Council of the Boy Scouts of America, Inc.

H. J. R. 1358, a joint resolution authorizing the Lieutenant Governor and the Speaker of the House of Representatives to appoint a liaison committee to work with the Department of Commerce concerning the Expo '82 in Knoxville, Tennessee.

H. B. 1361, an act to authorize the Town of Atkinson to convey certain real property by private sale.

H. B. 1367, an act to extend the expiration date of the fair access insurance plan.

H. B. 1368, an act to correct a technical error in Chapter 759 of the 1981 Session Laws.

H. B. 1378, an act to allow the Hyde County Board of Education to convey its interest in a certain tract of land to the Scranton Volunteer Fire Department.

On motion of Senator Royall, seconded by Senator Hancock, the Senate adjourns to meet tomorrow at 11:00 A.M.

July 8, 1981

ONE HUNDRED TWENTY-FIFTH DAY

SENATE CHAMBER,

Thursday, July 9, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Almighty God, we survey the heavens and the earth, the work of Your fingers, and wonder, with the Psalmist of old, why You bother with such weak creatures as ourselves. You have made the earth and all that is in it. You have created a thousand million suns and other wonders which our minds cannot grasp, and yet You call us Your stewards and give us charge over all that You have made. We are overwhelmed by the task You have set for us, O Lord, and pray for Your guidance in the work we have to do. Help us to be faithful servants, preserving and protecting all Your creation, living up to the full potential that You intended when You made us. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants a leave of absence to Senator Kincaid for today; to Senator Clarke, who will be attending a meeting of the Southeastern Council of Foundations, and to Senators Mathis and McDuffie for tomorrow, July 10. Leaves of absence granted previously to Senators Ballenger and Garrison are noted.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 86, House Committee Substitute for **S. B. 86**, an act to require a person who fails to appear in court to answer the charge or pay court costs before he may receive a driver's license.

S. B. 87, House Committee Substitute for Committee Substitute No. 2 for **S. B. 87**, an act to divide North Carolina into eleven Congressional Districts.

S. B. 483, an act to waive tuition and registration fees for trainees enrolled in courses under the New and Expanding Industry Program.

S. B. 571, Committee Substitute for **S. B. 571**, an act to transfer and reorganize the North Carolina Housing Finance Agency.

S. B. 718, an act to authorize sanitary districts to acquire, construct, maintain and operate sewage collection and disposal systems, water supply systems, water purification or treatment plants and other utilities to provide service outside the corporate limits of such districts and to validate prior actions by such districts with respect to such facilities.

S. B. 746, an act concerning reacquisition of resident tuition status.

H. B. 439, Senate Committee Substitute for Committee Substitute for **H. B. 439**, an act to amend Chapter 66 of the General Statutes to protect trade secrets.

July 9, 1981

H. B. 650, Committee Substitute for **H. B. 650**, an act to be called the Archaeological Resources Protection Act.

H. B. 905, an act to provide an individual income tax credit for child-care and other employment-related expenses.

H. B. 1088, Committee Substitute for **H. B. 1088**, an act revising procedures for administration of local zoning regulations.

H. B. 1127, Committee Substitute for **H. B. 1127**, an act to amend the Fair Sentencing Act of 1981 to make sale or delivery of a controlled substance to a minor an aggravating factor.

H. J. R. 1140, a joint resolution directing a study of the feasibility and desirability of combining annual vehicle inspection with annual vehicle registration.

H. B. 1211, Committee Substitute for **H. B. 1211**, an act to increase the penalties for intentionally setting forest fires, to increase reward for evidence sufficient for conviction under forest fire statute, and to provide that reward be paid from the State Fire Suppression Fund.

H. B. 1228, Committee Substitute for **H. B. 1228**, an act to set a definite execution date for persons sentenced to death.

H. B. 1263, Committee Substitute for **H. B. 1263**, an act to redefine the newspapers eligible to accept legal advertising in McDowell and Chatham Counties.

H. B. 1332, an act to provide military recruiter access to school records.

H. B. 1344, an act to make technical corrections to Chapter 626 of the 1981 Session Laws and the speedy trial law.

H. B. 1345, an act to make a technical amendment in Chapter 500 of the 1981 Session Laws.

RE-REFERRAL

S. B. 157, a bill to continue in effect Chapter 1298 of the 1977 Session Laws relative to the designation of funds to political parties by individual taxpayers.

On motion of Senator Royall, the bill is taken from the **Ways and Means Committee** and re-referred to the **Appropriations Committee**.

WITHDRAWAL FROM COMMITTEE

S. J. R. 324, Committee Substitute for **S. B. 324**, a joint resolution directing the Legislative Research Commission to re-examine present penalties and to study the expansion of district court jurisdiction to include an increased number of marijuana offenses.

Senator Creech offers a motion that the rules be suspended and the Committee Substitute joint resolution be taken from the **Rules and Operation of the Senate Committee** and placed on the Calendar for immediate consideration, which motion he subsequently withdraws.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Harrington for the **Transportation Committee**:

H. J. R. 1240, a joint resolution directing the Secretary of Transportation to prepare rules and regulations regarding the removal of vegetation obscuring businesses and legally erected forms of advertising, with a favorable report.

On motion of Senator Harrington, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered enrolled.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Creech:

S. B. 766, a bill to permit a small business successfully appealing an agency decision or defending against an agency decision to recover attorney's fees and costs from the agency in certain circumstances.

Referred to **Judiciary III Committee**.

By Senator Warren:

S. B. 767, a bill requiring repeal of existing regulatory provisions of law when new regulatory laws are enacted.

Referred to **Appropriations Committee**.

By Senator Warren:

S. B. 768, a bill to appropriate funds to the Department of Commerce to reimburse counties for services necessitated by the presence of migrant farm workers.

Referred to **Appropriations Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

H. B. 1064, Committee Substitute for **H. B. 1064**, a bill to codify the common law prohibition against strikes by public employees.

Referred to **Rules and Operation of the Senate Committee**.

H. B. 1362, a bill to increase the punishment for prostitution in the first degree.

Referred to **Rules and Operation of the Senate Committee**.

On motion of Senator Lawing, the Senate recesses until 1:30 P.M.

AFTERNOON SESSION

The Senate meets pursuant to recess and is called to order by the Honorable James C. Green, Lieutenant Governor.

WITHDRAWAL FROM COMMITTEE

H. B. 629, Committee Substitute for **H. B. 629**, a bill to allow New Hanover County to prohibit acts of discrimination in employment and housing based on race, color, national origin, religion, sex, handicap or age.

On motion of Senator Marion, the rules are suspended and the Committee Substitute bill is taken from the **Local Government and Regional Affairs Committee** and is placed on the Calendar for today.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S. B. 510, House Committee
Substitute for **S. B. 510**

House of Representatives
July 8, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Committee Substitute for **S. B. 510**, a bill to be entitled an act to prevent disability retirement for a disability condition which existed prior to membership in the Local Governmental Employees' Retirement System, the Teachers' and State Employees Retirement System, the Uniform Judicial Retirement System and the Law Enforcement Officers' Benefit and Retirement Fund, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
GRACE COLLINS
Principal Clerk

S. J. R. 675, a joint resolution authorizing joint meetings of the Senate Committee on Banking and the House Committee on Banks and Thrift Institutions during the interim period between sessions of the 1981 General Assembly, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, July 10.

S. B. 685, House Committee
Substitute for **S. B. 685**

House of Representatives
July 9, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Committee Substitute for **S. B. 685**, a bill to be entitled an act to require consent of certain county boards of commissioners before land in those counties may be condemned or acquired by a unit of

local government outside those counties, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
GRACE COLLINS
Principal Clerk

The bill is ordered enrolled.

H. B. 329, Committee
Substitute for **H. B. 329**

House of Representatives
July 9, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Amendments to Committee Substitute for **H. B. 329**, a bill to be entitled an act raising fees of registers of deeds, and requests conferees. The Speaker has appointed Representatives Lilley, Chairman; Beard, and Hux on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
GRACE COLLINS
Principal Clerk

Senator Hardison moves that the President appoint conferees, which motion prevails. The President appoints Senators Hardison, Swain, and Duncan as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H. B. 1342, Committee Substitute for **H. B. 1342**, a bill to amend the laws regulating the practice of cosmetic art.

Referred to **Rules and Operation of the Senate Committee**.

H. B. 1381, a bill to authorize Watauga County to privately sell or lease real estate owned, or hereafter owned by it, as an industrial park, or for the purpose of an industrial development, and authorize acquisition of real property for such purpose.

On motion of Senator Marion, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

CONFERENCE REPORT

S. B. 510, House Committee
Substitute for **S. B. 510**

Senator Jenkins, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **S. B. 510**, House Committee Substitute for **S. B. 510**, a bill to prevent disability retirement for a disabling condition which existed prior to membership in the Local Governmental Employees' Retirement System, the Teachers' and State Employees' Retirement System, the Uniform Judicial Retirement System and the Law Enforcement Officers' Benefit and Retirement Fund, submits the following report:

July 9, 1981

To the President of the Senate and
the Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on the House Substitute for Senate Bill 510, a bill to be entitled an act to prevent disability retirement for a disability condition which existed prior to membership in the Local Governmental Employees' Retirement System, the Teachers' and State Employees' Retirement System, the Uniform Judicial Retirement System and the Law Enforcement Officers' Benefit and Retirement Fund, wish to report as follows:

that the Senate and House delete the following language on lines 17 and 18 on page 1, lines 10 and 11 on page 2 and lines 24 and 25 on page 2 which reads:

"(2) is in receipt of any payments on account of a disability based upon the member's present mental or physical incapacity."

and inserting in lieu thereof the following:

"(2) is in receipt of any payments on account of the same disability which existed when the member first established membership in the system."

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 8th day of July, 1981.

CECIL R. JENKINS, JR.

W. CRAIG LAWING

JOE H. PALMER

*Conferees on the part
of the Senate*

T. W. ELLIS, JR.

MARIE COLTON

BOBBY R. ETHERIDGE

*Conferees on the part
of the House of Representatives*

On motion of Senator Jenkins, the Conference Report is adopted and the House Committee Substitute bill is ordered enrolled. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

RE-REFERRALS

H. B. 1078, Committee Substitute for **H. B. 1078**, a bill to recognize and provide for the creation of tentative trusts.

On motion of Senator Lawing, the Committee Substitute bill is taken from the **Rules and Operation of the Senate Committee** and re-referred to the **Judiciary I Committee**.

H. B. 1317, Committee Substitute for **H. B. 1317**, a bill to make certain additions to the termination of parental rights statute.

On motion of Senator Lawing, the Committee Substitute bill is taken from the **Rules and Operation of the Senate Committee** and re-referred to the **Judiciary II Committee**.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hardison for the **Appropriations Committee**:

S. B. 157, a bill to continue in effect Chapter 1298 of the 1977 Session Laws relative to the designation of funds to political parties by individual taxpayers, with a favorable report.

H. B. 713, a bill pertaining to the regulation of fox harvesting in Wake County, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Hardison, the rules are suspended and the Senate Committee Substitute bill, which changes the title to read **H. B. 713**, Senate Committee Substitute for **H. B. 713**, a bill pertaining to the regulation of fox harvesting, is placed before the Senate for immediate consideration.

On motion of Senator Hardison, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, July 10.

H. B. 970, Committee Substitute for **H. B. 970**, a bill to increase the mileage deduction allowed for automobile expenses incurred in performing charitable services, with a favorable report, as amended.

H. B. 1311, a bill to exempt the General Assembly from the requirement of purchasing through the Department of Administration when purchasing supplies, materials and equipment for less than five thousand dollars, with a favorable report.

By Senator Harris for the **Human Resources Committee**:

H. B. 1349, a bill to mandate that the Department of Human Resources house certain escapees from its institutions who have committed crimes subsequent to escape, with a favorable report.

On motion of Senator Harris, the rules are suspended and the bill is placed on today's Calendar for consideration.

By Senator Lawing for the **Rules and Operation of the Senate Committee**:

S. B. 596, House Committee Substitute for **S. B. 596**, a bill to make uniform qualifications for and to prohibit conflict of interests by election officials, with a favorable report as to concurrence.

S. B. 603, Committee Substitute for **S. B. 603**, a bill to allow personal representatives in the probate of estates to use vouchers or other verified proof, with a favorable report.

H. B. 1362, a bill to increase the punishment for prostitution in the first degree, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Lawing, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Lawing, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, July 10.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

Senator Lawing moves that Rule 40 be suspended to allow the introduction of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Lawing:

S. J. R. 769, a joint resolution increasing from one to two the number of appointments by the Speaker and Lieutenant Governor to the Expo '82 Advisory Committee.

On motion of Senator Lawing, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

Senator Lawing offers Amendment No. 1 which is adopted, changing the title to read, **S. J. R. 769**, a joint resolution increasing from one to three the number of appointments by the Speaker and Lieutenant Governor to the Expo '82 Advisory Committee.

The joint resolution, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

Senator Duncan moves that Rules 40 and 41 be suspended to allow the introduction and referral to committee of the following joint resolution, which motion prevails by a two-thirds majority vote.

By Senator Duncan:

S. J. R. 770, a joint resolution authorizing the Legislative Research Commission to study special motor vehicle license plates for street rods.

Referred to **Appropriations Committee**.

Senator Duncan moves that Rule 40 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Duncan, Hardison, Royall, and Lawing:

S. B. 771, a bill to make certain gasohol exempt from the gasoline tax.

Referred to **Finance Committee**

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

Without objection, the rules are suspended to allow all bills and resolutions sent to the House of Representatives today to be delivered by Special Messenger, unless otherwise directed.

(Senator Lawing presides over a portion of today's Session.)

SPECIAL ORDER NO. 1

S. B. 713

The hour having arrived for the consideration of Special Order No. 1, the President of the Senate lays before the Senate Special Order No. 1, it being **S. B. 713**, a bill to amend G. S. 163-106(d) to require that candidates for the State Senate indicate vacancy when filing.

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Senator Jordan offers a motion that the bill be re-referred to the **Election Laws Committee**, which motion fails to prevail.

The bill fails to pass its second reading.

S. B. 229, House Committee Substitute for **S. B. 229**, a bill to make sundry amendments relating to local governments in Orange County, Conference Report for adoption, upon third reading.

On motion of Senator Lawing, the Conference Report, submitted July 8, is adopted by roll-call vote, ayes 31, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Barnes, Boger, Cock-erham, Daniels, Frye, Gray, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, Marvin, Mathis, McDuffie, Palmer, Rauch, Raynor, Redman, Smith, Soles, Speed, Swain, Walker, Ward, Warren, White, and Wright — 31.

The House Committee Substitute bill is ordered enrolled, and a Special Message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S. B. 278, Committee Substitute for **S. B. 278**, a bill to redefine "moped" to include those with either operable pedals or a kick starter.

On motion of Senator Jenkins, consideration of the Committee Substitute bill is postponed until Friday, July 10.

S. B. 502, Committee Substitute No. 2 for **S. B. 502**, a bill setting forth duties of skiers and ski area operators and limitations thereof, for concurrence in House Amendment No. 1.

On motion of Senator Marion, the Senate concurs in House Amendment No. 1 and the Committee Substitute bill No. 2 is ordered enrolled.

S. B. 594, Committee Substitute for **S. B. 594**, a bill to provide nominations by petition in all elections for directors of a telephone membership corporation and to reserve to only its members the power to amend the bylaws of the corporation pertaining to elections of directors, upon third reading.

Senator Johnson calls the previous question, seconded by Senator Baker. The call is sustained.

The Committee Substitute bills fails to pass its third reading.

S. B. 650, a bill to provide for service of notice of revocation of operators' licenses and vehicle registrations by mail or publication and to delete the requirement that pickup orders be served by law enforcement officers, for concurrence in House Amendments No. 1 and No. 2.

On motion of Senator Jordan, the Senate concurs in House Amendments No. 1 and No. 2 and the bill is ordered enrolled.

S. B. 658, House Committee Substitute for **S. B. 658**, a bill to authorize the use of variable or adjustable rate loans for financing mobile or manufactured homes, for concurrence in the House Committee Substitute bill.

Senator Mills moves that the Senate do not concur in the House Committee Substitute bill and further moves that the President appoint conferees, which motions prevail. The President appoints Senators Mills, Warren, and Gray as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S. B. 737, a bill limiting gifts from certain contractors, subcontractors, and suppliers to elected officials.

On motion of Senator Harris, the bill is recommitted to the **Rules and Operation of the Senate Committee**.

S. J. R. 758, a joint resolution commemorating the 200th Anniversary of the American victory at Yorktown.

The joint resolution passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 759, a bill establishing an assigned risk plan for bid, payment, performance, maintenance, and other bonds.

On motion of Senator Lawing, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. J. R. 765, a joint resolution commending the work of the principal clerks and their staffs, committee clerks, secretaries, Legislative Services staff, and other staff who assist the General Assembly.

The joint resolution passes its second and third readings and is ordered sent to the House of Representatives.

H. B. 89, Committee Substitute for **H. B. 89**, a bill to regulate precious metal businesses, as amended, upon second reading.

The Chair rules the Committee Substitute bill, as amended, does not require a call of the roll.

The Committee Substitute bill, as amended, passes its second reading.

On objection of Senator Soles to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for further consideration.

H. B. 195, Committee Substitute for **H. B. 195**, a bill to establish a Work Options Program for State Employees, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

H. B. 430, Committee Substitute No. 2 for **H. B. 430**, a bill to permit law enforcement officers to transport released persons.

The Committee Substitute bill No. 2 passes its second and third readings and is ordered enrolled.

H. B. 518, Committee Substitute No. 2 for **H. B. 518**, a bill to revise the law of eminent domain as recommended by the General Statutes Commission, as amended, upon third reading.

The Committee Substitute bill No. 2, as amended, passes its third reading by roll-call vote, ayes 27, noes 0, as follows:

Voting in the affirmative: Senators Alford, Barnes, Boger, Daniels, Frye, Gray, Harrington, Harris, Johnson, Jordan, Lawing, Marvin, Mathis, McDuffie, Palmer, Raynor, Redman, Smith, Soles, Speed, Swain, Walker, Ward, Warren, White, Wright, and Wynne — 27.

The Committee Substitute bill No. 2, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 629, Committee Substitute for **H. B. 629**, a bill to allow New Hanover County to prohibit acts of discrimination in employment and housing based on race, color, national origin, religion, sex, handicap or age.

Senator Wright offers Amendments No. 1, No. 2, and No. 3, which fail of adoption.

Senator Wright offers Amendment No. 4 which is adopted.

The Committee Substitute bill, as amended, passes its second reading.

Senator Wright objects to the third reading of the Committee Substitute bill, as amended.

Senator Marion offers a motion that the rules be suspended to allow consideration of the Committee Substitute bill, as amended, upon third reading today, which motion fails to prevail for lack of a two-thirds majority affirmative vote.

The Committee Substitute bill, as amended, remains on the Calendar for Friday, July 10, upon third reading.

H. B. 750, a bill to amend G. S. 143B-153 to require the Social Services Commission to establish standards and adopt rules and regulations for payment of State funds to private child-caring institutions, upon third reading.

Senator Wright offers Amendment No. 1 which is adopted.

The bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1056, a bill to rewrite the Navigation Act, upon third reading.

The bill passes its third reading by roll-call vote, ayes 30, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Barnes, Boger, Daniels, Frye, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, Marvin, McDuffie, Palmer, Raynor, Redman, Smith, Soles, Speed, Swain, Walker, Ward, Warren, White, Wright, and Wynne — 30.

The bill is ordered enrolled.

H. B. 1137, a bill regarding regulation of the purchase of handguns, upon second reading.

The Chair rules the bill does not require a call of the roll.

On motion of Senator Allsbrook, Committee Amendment No. 1 is adopted.

Senator Barnes offers Amendment No. 2 which is adopted.

Senator Vickery offers Amendment No. 3 which fails of adoption.

The bill, as amended, passes its second reading.

Without objection, the bill remains before the Senate upon third reading.

Senator Barnes offers Amendment No. 4 which is adopted.

The bill, as amended, passes its third reading.

Senator Jenkins moves that the vote by which the bill, as amended, passed its third reading be reconsidered, which motion prevails.

On further objection of Senator Jenkins to its third reading, the bill, as amended, remains on the Calendar for Friday, July 10, for further consideration.

H. B. 1141, Committee Substitute for **H. B. 1141**, a bill to amend G. S. 24-10(d) concerning assumption fees on real property loans.

Without objection, the following Senators are excused from voting for the stated reasons:

Senator Allsbrook: (no reason stated)

Senator Frye: "Bill deals with loans handled by bank where I am an employee."

Senator Lawing: (no reason stated)

Senator Noble: "Conflict of interest."

Senator Royall: "Board Member of Savings and Loan."

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Senator Soles: (no reason stated)

The Chair rules the Committee Substitute bill does not require a call of the roll.

Senator Swain offers Amendment No. 1 which fails of adoption.

Senator Cavanagh offers Amendment No. 2 which is adopted.

The Committee Substitute bill, as amended, passes its second reading.

Without objection, the Committee Substitute bill, as amended, remains before the Senate upon third reading.

Senator Swain offers Amendment No. 3 which is adopted.

The Committee Substitute bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 2 and No. 3.

H. B. 1214, Committee Substitute for **H. B. 1214**, a bill to amend the laws regulating bingo and raffles.

On motion of Senator Barnes, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1221, Committee Substitute for **H. B. 1221**, a bill to amend city and county laws relating to personnel records, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 32, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Barnes, Boger, Daniels, Gray, Hancock, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, Lawing, Marvin, Mathis, McDuffie, Palmer, Rauch, Raynor, Redman, Royall, Smith, Speed, Swain, Walker, Ward, Warren, White, Wright, and Wynne — 32.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1248, Senate Committee Substitute for **H. B. 1248**, a bill to modify public school residence requirements as enacted by Chapter 567, Session Laws of 1981, for a person who resides in a place that is not his domicile either because his parent or guardian is a college or university student, employee or faculty member.

Senator Wynne offers Amendment No. 1 which is adopted.

The Senate Committee Substitute bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H. B. 1277, a bill to provide for the merger of two contiguous sanitary districts, upon second reading.

The Chair rules the bill does not require a call of the roll.

The bill passes its second and third readings.

Senator Allsbrook moves that the vote by which the bill passed its third reading be reconsidered, which motion prevails. Senator Allsbrook moves that the vote by which the bill passed its second reading be reconsidered, which motion prevails.

Senator Allsbrook offers Amendment No. 1 which is adopted.

Upon further examination, the Chair rules the bill, as amended, requires a call of the roll.

The bill, as amended, passes its second reading by roll-call vote, ayes 36, noes 2, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Baker, Barnes, Cavanagh, Clarke, Cockerham, Creech, Daniels, Frye, Gray, Hancock, Harrington, Harris, Jenkins, Jernigan, Jordan, Lawing, Marion, Marvin, McDuffie, Palmer, Rauch, Raynor,

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Redman, Royall, Soles, Speed, Swain, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 36.

Voting in the negative: Senators Boger and Smith — 2.

Without objection, Senator Allsbrook moves that the rules be suspended so that the vote by which the bill, as amended, passed its second reading be reconsidered, which motion prevails.

Senator Allsbrook moves that the vote by which Amendment No. 1 was adopted be reconsidered, which motion prevails.

Without objection, Senator Allsbrook withdraws Amendment No. 1.

The bill passes its second reading by roll-call vote, ayes 35, noes 2, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Barnes, Clarke, Cockerham, Creech, Duncan, Frye, Gray, Hardison, Harrington, Harris, Jenkins, Jordan, Lawing, Marion, Marvin, Mathis, Mills, Palmer, Rauch, Raynor, Redman, Royall, Soles, Speed, Swain, Thomas of Craven, Walker, Ward, White, Wright, and Wynne — 35.

Voting in the negative: Senators Boger and Smith — 2.

The bill remains on the Calendar upon third reading.

H. B. 1278, a bill to amend the previous 1981 acts concerning usury laws.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1279, a bill to revise and consolidate the Charter of the City of Lexington and to repeal prior local acts, upon third reading.

The bill passes its third reading by roll-call vote, ayes 32, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Barnes, Boger, Cockerham, Daniels, Frye, Gray, Hardison, Harrington, Harris, Jernigan, Johnson, Jordan, Lawing, Marvin, Mathis, McDuffie, Palmer, Rauch, Raynor, Redman, Smith, Soles, Speed, Swain, Walker, Warren, White, Wright, and Wynne — 32.

The bill is ordered enrolled.

H. B. 1287, Committee Substitute for **H. B. 1287**, a bill to authorize a limited driving privilege when a license is suspended pursuant to G. S. 20-16(a)(9), and to change the applicable speed for suspension.

On motion of Senator Allsbrook, consideration of the Committee Substitute bill is postponed until Friday, July 10.

H. B. 1329, a bill relating to housing assistance in redevelopment areas and the allocation of the ceiling for mortgage bonds, upon third reading.

The bill passes its third reading by roll-call vote, ayes 23, noes 5, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Barnes, Daniels, Frye, Gray, Hancock, Hardison, Harris, Jernigan, Lawing, Mathis, Rauch, Raynor, Royall, Smith, Speed, Swain, Walker, Ward, Warren, White, and Wynne — 23.

Voting in the negative: Senators Allred, Boger, Cockerham, Redman, and Wright — 5.

The bill is ordered enrolled.

H. J. R. 1335, a joint resolution honoring the life and memory of Edwin Smith Pou.

On motion of Senator Royall, Committee Amendment No. 1 is adopted.

The joint resolution, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1338, a bill to postpone changes in the jury summons form in Wake County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1346, a bill to direct the Courts Commission to study the collection of money judgments.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1349, a bill to mandate that the Department of Human Resources house certain escapees from its institutions who have committed crimes subsequent to escape.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1365, a bill to charge a fee for issuing a license for each branch office for optometrists to enable the board to be self-sustaining, upon third reading.

The bill passes its third reading by roll-call vote, ayes 32, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Barnes, Boger, Cock-erham, Daniels, Frye, Gray, Hancock, Hardison, Harris, Jernigan, Jordan, Lawing, Marvin, McDuffie, Mills, Palmer, Rauch, Raynor, Redman, Royall, Smith, Speed, Swain, Walker, Ward, Warren, White, Wright, and Wynne — 32.

The bill is ordered enrolled.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H. B. 19, Committee Substitute No. 2 for **H. B. 19**, a bill to establish priorities and procedures for disbursement of funds by clerks of court.

On motion of Senator Hardison, the rules are suspended, and the Committee Substi-tute bill No. 2 is placed before the Senate for immediate consideration.

Senator Soles offers Amendment No. 1 which is adopted.

The Committee Substitute bill No. 2, as amended, passes its second reading.

Senator Baker offers Amendment No. 2 which fails of adoption.

The Committee Substitute bill No. 2, as amended, passes its third reading and is ordered returned to the House of Representatives for concurrence in Senate Amend-ment No. 1.

H. B. 72, a bill to provide assistance for victims of rape and sex offenses.

On motion of Senator Hardison, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

H. B. 115, Committee Substitute for **H. B. 115**, a bill to repeal the sunset law and to replace the Governmental Evaluation Commission with a Legislative Committee on Agency Review, which will complete the process of reviewing laws and programs that were on the sunset list.

On motion of Senator Hardison, the rules are suspended, and the Committee Substi-tute bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 258, a bill creating a committee for a comprehensive study of the property tax system in North Carolina.

On motion of Senator Hardison, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

H. B. 427, Committee Substitute for **H. B. 427**, a bill to rewrite General Statutes Chapter 8A providing interpreters for deaf persons in certain judicial, legislative, and administrative proceedings, and for related purposes.

On motion of Senator Hardison, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 661, Committee Substitute for **H. B. 661**, a bill to include firemen from the Division of Forest Resources within the coverage of the Death Benefit Act.

On motion of Senator Hardison, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 785, a bill to enable the State Board of Education to pay longevity adjustments to school employees who retired since July 1, 1977, and to those who will retire prior to the ratification of this act.

On motion of Senator Hardison, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

H. B. 786, Committee Substitute for **H. B. 786**, a bill to allow specified school employees to be paid for unused annual vacation time.

On motion of Senator Hardison, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 787, Committee Substitute for **H. B. 787**, a bill to change the proration rule for longevity pay for ten-month public school employees.

On motion of Senator Hardison, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 809, Committee Substitute for **H. B. 809**, a bill to provide funds for the Juvenile Law Study Commission.

On motion of Senator Hardison, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 838, Committee Substitute for **H. B. 838**, a bill to establish the Ground Absorption Sewage Treatment and Disposal Act of 1981 and to amend the rule-making authority of local boards of health.

On motion of Senator Hardison, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. J. R. 1225, Committee Substitute for **H. J. R. 1225**, a joint resolution authorizing the Speaker of the House and the Lieutenant Governor to appoint a special committee to

study the Department of Transportation.

On motion of Senator Hardison, the rules are suspended, and the Committee Substitute joint resolution is placed before the Senate for immediate consideration.

The Committee Substitute joint resolution passes its second and third readings and is ordered enrolled.

H. B. 1230, a bill authorizing a study of the State's housing programs.

On motion of Senator Hardison, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

H. J. R. 1292, Committee Substitute for **H. J. R. 1292**, a joint resolution authorizing studies by the Legislative Research Commission.

On motion of Senator Hardison, the rules are suspended, and the Committee Substitute joint resolution is placed before the Senate for immediate consideration.

The Committee Substitute joint resolution passes its second and third readings and is ordered enrolled.

H. J. R. 1295, Committee Substitute for **H. J. R. 1295**, a joint resolution authorizing the Commission on Children with Special Needs to study the feasibility of establishing a statewide child screening program for pre-kindergarten age children.

On motion of Senator Hardison, the rules are suspended, and the Committee Substitute joint resolution is placed before the Senate for immediate consideration.

The Committee Substitute joint resolution passes its second and third readings and is ordered enrolled.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Lawing for the **Rules and Operation of the Senate Committee**:

S. B. 737, a bill limiting gifts from certain contractors, subcontractors, and suppliers to elected officials, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Lawing, the rules are suspended and the Committee Substitute bill, which changes the title to read **S. B. 737**, Committee Substitute for **S. B. 737**, a bill authorizing the Legislative Research Commission to study limiting gifts to elected officials and making an appropriation therefor, is placed before the Senate for immediate consideration.

On motion of Senator Lawing, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Appropriations Committee**.

H. B. 756, Committee Substitute for **H. B. 756**, a bill to authorize the Courts Commission to study election of superior court judges by division, with an unfavorable report.

H. B. 1064, Committee Substitute for **H. B. 1064**, a bill to codify the common law prohibition against strikes by public employees, with a favorable report.

H. B. 1321, a bill to rewrite the Navigation Act, with a favorable report.

On motion of Senator Lawing, the bill is re-referred to the **Finance Committee**.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 229, House Committee Substitute for **S. B. 229**, an act to make sundry amendments relating to local governments in Orange County.

H. B. 1056, an act to rewrite the Navigation Act.

H. J. R. 1240, a joint resolution directing the Secretary of Transportation to prepare rules and regulations regarding the removal of vegetation obscuring businesses and legally erected forms of advertising.

H. B. 1279, an act to revise and consolidate the Charter of the City of Lexington and to repeal prior local acts.

H. B. 1329, an act relating to housing assistance in redevelopment areas and the allocation of the ceiling for mortgage bonds.

H. B. 1338, an act to postpone changes in the jury summons form in Wake County.

H. B. 1365, an act to charge a fee for issuing a license for each branch office for optometrists to enable the board to be self-sustaining.

On motion of Senator Lawing, seconded by Senator White, the Senate adjourns to meet tomorrow at 10:00 A.M.

ONE HUNDRED TWENTY-SIXTH DAY

SENATE CHAMBER,
Friday, July 10, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Gracious God Our Father, we come before You today with thanksgiving for tasks completed, with praise for Your walking with us in times of distress, with sadness at the prospect of leaving new-found friends. For what we have done in these six months that has been Your will we give the praise to Your Spirit who informs, corrects, encourages, and upholds us. For what we have done that is not within Your plan for us we ask Your forgiveness, and pray that we may be shown our errors in time to correct them. We pray for Your blessing on the Lieutenant Governor, the men and women of this Senate, and the staff who do the hard work without sufficient recognition. Grant them all safe travel, a holy rest, and continued dedication to the principles of sound government executed with caring and compassion for the people of North Carolina. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senators Harris and Noble for today. Leaves of absence granted previously to Senators Ballenger, Kincaid, Garrison, McDuffie, Clarke, and Mathis are noted.

The President extends courtesies of the floor to Claude DeBruhl, former Representative from Buncombe County.

The President recognizes the following pages serving in the Senate this week: Laura E. Ayscue, Louisburg; Latonia Caple, Wagram; Sherrill Dunn, Raleigh; Beth Durham, Raleigh; Paige Fink, Raleigh; Honorée Jeffers, Durham; Sybil Mann, Greensboro; Kent Richardson, Raleigh; Hala Shehata, Raleigh; Darryl Shipman, Goldsboro; Mary Beth Tyndall, Willow Springs; and Chris VanGorder, Cary.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 126, Committee Substitute for **S. B. 126**, an act to transfer the responsibility for transportation of autistic children from the Department of Human Resources to the Department of Public Education and to make a technical correction.

S. B. 233, Committee Substitute for **S. B. 233**, an act to amend the definition of "development" and to clarify hearing rights in the Coastal Area Management Act.

S. J. R. 392, Committee Substitute for **S. J. R. 392**, a joint resolution authorizing the Mental Health Study Commission to study standards and procedures for all residential group care programs for children and youth.

S. B. 418, an act to provide that the magistrates' seniority salary steps take effect on the anniversary date of appointment.

S. B. 502, Committee Substitute No. 2 for **S. B. 502**, an act setting forth duties of skiers and ski area operators and limitations thereof.

S. J. R. 509, a joint resolution encouraging higher funding of adult day care so as to reduce more costly rest home expenditures.

S. B. 510, House Committee Substitute for **S. B. 510**, an act to prevent disability retirement for a disabling condition which existed prior to membership in the Local Governmental Employees' Retirement System, the Teachers' and State Employees' Retirement System, the Uniform Judicial Retirement System and the Law Enforcement Officers' Benefit and Retirement Fund.

S. J. R. 551, a joint resolution terminating the Criminal Code Commission.

S. B. 570, Committee Substitute for **S. B. 570**, an act regarding funds for deferred prosecution and community service restitution for youthful and adult offenders.

S. B. 629, an act to establish a study commission to study commercial fishing licenses and shellfish leases.

S. B. 650, an act to provide for service of notice of revocation of operators' licenses and vehicle registrations by mail and to delete the requirement that pickup orders be served by law enforcement officers.

S. B. 685, House Committee Substitute for **S. B. 685**, an act to require consent of certain county boards of commissioners before land in those counties may be condemned or acquired by a unit of local government outside those counties.

S. B. 730, an act to resolve a conflict between Chapter 501, Session Laws of 1981 and G. S. 105-282.1 concerning annual application for historic property exemption.

H. B. 7, Senate Committee Substitute for Committee Substitute for **H. B. 7**, an act to eliminate surcharges on clean risks and continue the cap on automobile insurance rates.

H. B. 72, an act to provide assistance for victims of rape and sex offenses.

H. B. 115, Committee Substitute for **H. B. 115**, an act to repeal the sunset law and to replace the Governmental Evaluation Commission with a Legislative Committee on Agency Review, which will complete the process of reviewing laws and programs that were on the sunset list.

H. B. 195, Committee Substitute for **H. B. 195**, an act to establish a Work Options Program for State Employees.

H. B. 258, an act creating a committee for a comprehensive study of the property tax system in North Carolina.

H. B. 427, Committee Substitute for **H. B. 427**, an act to rewrite General Statutes Chapter 8A providing interpreters for deaf persons in certain judicial, legislative, and administrative proceedings, and for related purposes.

H. B. 430, Committee Substitute No. 2 for **H. B. 430**, an act to permit law enforcement officers to transport released persons.

H. B. 455, Committee Substitute for **H. B. 455**, an act to change the name and restructure the State Library Committee.

H. B. 518, Committee Substitute No. 2 for **H. B. 518**, an act to revise the law of eminent domain as recommended by the General Statutes Commission.

H. B. 644, an act to allow maximum workers' compensation to National Guardsmen.

H. B. 661, Committee Substitute for **H. B. 661**, an act to include firemen from the Division of Forest Resources within the coverage of the Death Benefit Act.

H. B. 684, Senate Committee Substitute for **H. B. 684**, an act to provide income tax credits for expenditures for various alternative energy systems.

H. B. 785, an act to enable the State Board of Education to pay longevity adjustments to school employees who retired since July 1, 1977, and to those who will retire prior to the ratification of this act.

H. B. 786, Committee Substitute for **H. B. 786**, an act to allow specified school employees to be paid for unused annual vacation time.

H. B. 787, Committee Substitute for **H. B. 787**, an act to change the proration rule for longevity pay for ten-month public school employees.

H. B. 809, Committee Substitute for **H. B. 809**, an act to provide funds for the Juvenile Law Study Commission.

H. B. 823, Committee Substitute for **H. B. 823**, an act to establish a drug education program and to strengthen the laws against persons who possess controlled substances while allowing conditional discharge and expunction of records for first offense.

H. B. 838, Committee Substitute for **H. B. 838**, an act to establish the Ground Absorption Sewage Treatment and Disposal Act of 1981 and to amend the rule-making authority of local boards of health.

H. B. 1098, Committee Substitute for **H. B. 1098**, an act to create a domiciliary home residents' bill of rights.

H. B. 1141, Committee Substitute for **H. B. 1141**, an act to amend G. S. 24-10(d) concerning assumption fees on real property loans.

H. B. 1146, Senate Committee Substitute for Committee Substitute for **H. B. 1146**, an act to provide for release of non-identifying adoption information.

H. B. 1173, Senate Committee Substitute for **H. B. 1173**, an act to establish a program to purchase and maintain coastal lands subject to natural hazards for beach access and use.

H. B. 1221, Committee Substitute for **H. B. 1221**, an act to amend city and county laws relating to personnel records.

H. J. R. 1225, Committee Substitute for **H. J. R. 1225**, a joint resolution authorizing the Speaker of the House and the Lieutenant Governor to appoint a special committee to study the Department of Transportation.

H. B. 1230, an act authorizing a study of the State's housing programs.

H. B. 1233, an act to amend the Emergency Services Act of 1973 relating to administration of epinephrine by trained lay persons in emergency situations caused by insect stings.

H. B. 1278, an act to amend the previous 1981 acts concerning usury laws.

H. J. R. 1292, Committee Substitute for **H. J. R. 1292**, a joint resolution authorizing studies by the Legislative Research Commission.

H. J. R. 1295, Committee Substitute for **H. J. R. 1295**, a joint resolution authorizing the Commission on Children with Special Needs to study the feasibility of establishing a statewide child screening program for pre-kindergarten age children.

H. B. 1346, an act to direct the Courts Commission to study the collection of money judgments.

H. B. 1349, a bill to mandate that the Department of Human Resources house certain residents in or escapees from its institutions who have committed crimes while still residing in the institution or subsequent to escape.

H. B. 1381, an act to authorize Watauga County to privately sell or lease real estate owned, or hereafter owned by it, as an industrial park, or for the purpose of an industrial development, and authorize acquisition of real property for such purpose.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Creech for the **Judiciary III Committee**:

S. B. 665, a bill to remove barriers to coordinating human service and volunteer transportation, with an unfavorable report.

RE-REFERRALS

S. B. 140, a bill to change the membership of the Capital Building Authority.

On motion of Senator Barnes, the bill is taken from the **State Government Committee** and re-referred to the **Ways and Means Committee**.

S. B. 141, a bill to change the jurisdiction of the Capital Building Authority.

On motion of Senator Barnes, the bill is taken from the **State Government Committee** and re-referred to the **Ways and Means Committee**.

S. B. 145, a bill to require timely payments to subcontractors.

On motion of Senator Barnes, the bill is taken from the **State Government Committee** and re-referred to the **Ways and Means Committee**.

S. B. 528, a bill to provide for a new State Board of Sanitarian Examiners and to require registration of sanitarians.

On motion of Senator Barnes, the bill is taken from the **State Government Committee** and re-referred to the **Human Resources Committee**.

WITHDRAWAL FROM COMMITTEE

H. B. 1342, Committee Substitute for **H. B. 1342**, a bill to amend the laws regulating the practice of cosmetic art.

On motion of Senator Barnes, the rules are suspended and the Committee Substitute bill is taken from the **Rules and Operation of the Senate Committee** and placed on the Calendar for immediate consideration.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

INTRODUCTION AND BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

Senator Swain moves that Rules 40 and 41 be suspended to allow the introduction of the following joint resolution, which motion prevails by a two-thirds majority vote.

By Senators Swain, Alford, Allred, Allsbrook, Baker, Barnes, Boger, Cavanagh, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harrington, Jenkins, Jernigan, Johnson, Jordan, Lawing, Marion, Marvin, Mills, Palmer, Rauch, Raynor, Redman, Royall, Soles, Smith, Speed, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne:

S. J. R. 772, a joint resolution commending the North Carolina Medical Society and its members for providing medical services to the General Assembly.

On motion of Senator Swain, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered sent to the House of Representatives.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H. B. 42, Committee Substitute No. 2 for **H. B. 42**, a bill to authorize additional judicial officials throughout the State, to increase legal counsel fees and to provide for other related matters.

On motion of Senator Royall, the rules are suspended, and the Committee Substitute bill No. 2 is placed on the Calendar for today.

H. B. 1380, a bill to allow the Town of Bridgeton to collect on motor vehicles a tax of not more than five dollars.

Referred to **Finance Committee**.

S. B. 658, House Committee
Substitute for **S. B. 658**

House of Representatives
July 10, 1981

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Committee Substitute to **S. B. 658**, a bill to be entitled an act to authorize the use of variable or adjustable rate loans for financing mobile or manufactured homes, the Speaker has appointed as conferees on the part of the House, Representatives Bone, Chairman, Adams, and Edwards to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
GRACE COLLINS
Principal Clerk

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

All bills and resolutions sent to the House of Representatives today are ordered delivered by Special Messenger, unless otherwise directed.

S. B. 157, a bill to continue in effect Chapter 1298 of the 1977 Session Laws relative to the designation of funds to political parties by individual taxpayers.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S. B. 278, Committee Substitute for **S. B. 278**, a bill to redefine "moped" to include those with either operable pedals or a kick starter.

Senator Redman offers Amendment No. 1 which is adopted.

Without objection, the following Senator is excused from voting for the stated reason:
Senator Allred: "Father-in-law owns Honda dealership."

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The Committee Substitute bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

S. B. 596, House Committee Substitute for **S. B. 596**, a bill to make uniform qualifications for and to prohibit conflict of interests by election officials, for concurrence in the House Committee Substitute bill.

On motion of Senator Walker, the Senate concurs in the House Committee Substitute bill and the bill is ordered enrolled.

S. B. 603, Committee Substitute for **S. B. 603**, a bill to allow personal representatives in the probate of estates to use vouchers or other verified proof, for concurrence in House Amendment No. 1.

On motion of Senator Barnes, the Senate concurs in House Amendment No. 1 and the bill is ordered enrolled.

S. J. R. 675, a joint resolution authorizing joint meetings of the Senate Committee on Banking and the House Committee on Banks and Thrift Institutions during the interim period between sessions of the 1981 General Assembly, for concurrence in House Amendment No. 1.

On motion of Senator Mills, the Senate concurs in House Amendment No. 1 and the bill is ordered enrolled.

H. B. 42, Committee Substitute No. 2 for **H. B. 42**, a bill to authorize additional judicial officials throughout the State, to increase legal counsel fees and to provide for other related matters.

Senator Hardison offers Amendments No. 1, No. 2, and No. 3 which are adopted.

The Committee Substitute bill No. 2, as amended, passes its second reading.

Senator Baker objects to the third reading of Committee Substitute bill No. 2, as amended.

Senator Hardison offers a motion that the rules be suspended to allow consideration of the Committee Substitute bill No. 2, as amended, upon third reading today. Senator Redman calls for the "ayes" and "noes" on the motion offered by Senator Hardison. The call is sustained.

The motion offered by Senator Hardison fails to prevail for lack of a two-thirds majority affirmative vote, ayes 30, noes 7, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Barnes, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harrington, Jenkins, Jernigan, Jordan, Lawing, Marion, Marvin, Palmer, Rauch, Raynor, Soles, Smith, Speed, Swain, Thomas of Craven, Vickery, Walker, Ward, Warren, White, and Wynne — 30.

Voting in the negative: Senators Allred, Baker, Boger, Cavanagh, Cockerham, Redman, and Wright — 7.

The Committee Substitute bill No. 2, as amended, remains on the Calendar for further consideration upon third reading.

Upon motion of Senator Allsbrook, and under direction of the Chair, the doors of the Senate Chamber are closed and the Sergeant-at-Arms is directed to bring the Senators to the Chamber, except those members granted a leave of absence.

H. B. 89, Committee Substitute for **H. B. 89**, a bill to regulate precious metal businesses, as amended, upon third reading.

The President rules the Committee Substitute bill does not require a call of the roll.

The Committee Substitute bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 629, Committee Substitute for **H. B. 629**, a bill to allow New Hanover County to prohibit acts of discrimination in employment and housing based on race, color, national origin, religion, sex, handicap or age, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 4.

H. B. 713, Senate Committee Substitute for **H. B. 713**, a bill pertaining to the regulation of fox harvesting.

On motion of Senator Hardison, consideration of the Senate Committee Substitute bill is temporarily postponed.

H. B. 970, Committee Substitute for **H. B. 970**, a bill to increase the mileage deduction allowed for automobile expenses incurred in performing charitable services. On motion of Senator Hardison, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1064, Committee Substitute for **H. B. 1064**, a bill to codify the common law prohibition against strikes by public employees.

Senator Hancock offers Amendment No. 1 which is adopted.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1137, a bill regarding regulation of the purchase of handguns, as amended, upon third reading.

Senator Jenkins offers Amendment No. 5 which is adopted.

The bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1, No. 2, No. 4, and No. 5.

H. B. 1277, a bill to provide for the merger of two contiguous sanitary districts, upon third reading.

The bill passes its third reading by roll-call vote, ayes 29, noes 1, as follows:

Voting in the affirmative: Senators Alford, Baker, Barnes, Boger, Cavanagh, Cock-erham, Daniels, Duncan, Frye, Gray, Hancock, Harrington, Jenkins, Johnson, Lawing, Marion, Mills, Palmer, Rauch, Raynor, Redman, Royall, Soles, Speed, Swain, Walker, Ward, Warren, and Wright — 29.

Voting in the negative: Senator Smith — 1.

The bill is ordered enrolled.

H. B. 1287, Committee Substitute for **H. B. 1287**, a bill to authorize a limited driving privilege when a license is suspended pursuant to G. S. 20-16(a)(9), and to change the applicable speed for suspension.

On motion of Senator Royall, the Committee Substitute bill is re-referred to the **Appropriations Committee**.

H. B. 1311, a bill to exempt the General Assembly from the requirement of purchasing through the Department of Administration when purchasing supplies, materials and equipment for less than five thousand dollars.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1362, Senate Committee Substitute for **H. B. 1362**, a bill to increase the punishment for prostitution in the first degree.

Senator Lawing moves that the vote by which the Senate Committee Substitute bill was adopted be reconsidered, which motion prevails.

The Senate Committee Substitute bill fails of adoption.

Senator Lawing offers a motion that the bill be removed from the table and placed before the Senate for consideration, which motion prevails.

Senator Lawing offers Amendment No. 1, which he subsequently withdraws.

Senator Lawing offers Amendment No. 2, which is adopted.

Senator Cavanagh offers Amendment No. 3, which fails of adoption.

Senator Vickery offers Amendment No. 4. On motion of Senator Soles, seconded by Senator Harrington, Amendment No. 4 is tabled.

The Senate Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 2.

H. B. 42, Committee Substitute No. 2 for **H. B. 42**, a bill to authorize additional judicial officials throughout the State, to increase legal counsel fees and to provide for other related matters.

Senator Hardison offers a motion that the rules be suspended to allow consideration of the House Committee Substitute bill No. 2, as amended, upon third reading today which motion prevails.

The House Committee Substitute bill No. 2, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1, No. 2, and No. 3.

Without objection, Senator Allsbrook withdraws his motion that the Senate doors be closed.

On motion of Senator Lawing, the Senate recesses to reconvene at 1:30 P.M.

AFTERNOON SESSION

The Senate meets pursuant to recess and is called to order by the Honorable James C. Green, Lieutenant Governor.

CALENDAR

The following bill remaining on the Calendar for today is taken up and disposed of as follows:

H. B. 713, Senate Committee Substitute for **H. B. 713**, a bill pertaining to the regulation of fox harvesting, temporarily postponed prior to recess is placed before the Senate for consideration.

On motion of Senator Hardison, the Senate Committee Substitute bill is re-referred to the **Appropriations Committee**.

CONFEREES APPOINTED

S. B. 633, Committee Substitute for **S. B. 633**, a bill regarding deposit of funeral and burial trust funds.

On the motion of Senator Wynne which prevailed July 3, the President appoints Senators Hancock, Royall, and Johnson as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S. B. 633, Committee Substitute
for **S. B. 633**

House of Representatives
July 10, 1981

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Amendment to **S. B. 633**, a bill to be entitled an act regarding deposit of funeral and burial trust funds, the Speaker has appointed as conferees on the part of the House, Representatives Hux, Nesbitt, and Hackney to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
GRACE COLLINS
Principal Clerk

S. B. 658, House Committee
Substitute for **S. B. 658**

House of Representatives
July 10, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on HCS for **S. B. 658**, a bill to be entitled an act to authorize the use of variable or adjustable rate loans for financing mobile or manufactured homes, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
GRACE COLLINS
Principal Clerk

H. B. 329, Committee Substitute
for **H. B. 329**

House of Representatives
July 10, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on Committee Substitute for **H. B. 329**, a bill to be entitled an act raising fees of registers of deeds, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
GRACE COLLINS
Principal Clerk

July 10, 1981

H. B. 1137House of Representatives
July 10, 1981*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Amendments No. 1 and No. 4 to **H. B. 1137**, a bill to be entitled an act regarding regulation of the purchase of handguns, and requests conferees. The Speaker has appointed Representatives Ben Tison, Hackney, and Morgan on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
GRACE COLLINS
Principal Clerk

Senator Barnes moves that the President appoint conferees, which motion prevails. The President appoints Senators Barnes, Swain, and Allsbrook as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

RE-REFERRAL

H. B. 1276, a bill to amend Article 24A of Chapter 58 of the General Statutes, relating to mutual burial associations.

On motion of Senator Raynor, the bill is taken from the **Human Resources Committee** and re-referred to the **Ways and Means Committee**.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hardison for the **Appropriations Committee**:

On motion of Senator Hardison, the rules are suspended and the following bills and resolutions are placed before the Senate for immediate consideration in the order reported from committee.

H. B. 697, Committee Substitute for **H. B. 697**, a bill to require that counsel be appointed for indigent parents in termination of parental rights actions, with a favorable report.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

S. J. R. 4, a joint resolution calling for the Legislative Research Commission to study the annexation laws, with a favorable report.

On motion of Senator Hardison, duly seconded, the joint resolution is postponed indefinitely.

S. B. 121, a bill to restructure the Governmental Evaluation Commission, with a favorable report.

On motion of Senator Hardison, duly seconded, the bill is postponed indefinitely.

July 10, 1981

S. J. R. 143, a joint resolution authorizing the Legislative Research Commission to continue to study the design, construction and inspection of public facilities, with a favorable report.

On motion of Senator Hardison, duly seconded, the joint resolution is postponed indefinitely.

S. J. R. 178, Committee Substitute joint resolution for **S. B. 178**, a joint resolution authorizing the Legislative Research Commission to study whether the leasing of State land should be by competitive bidding, with a favorable report.

On motion of Senator Hardison, duly seconded, the Committee Substitute joint resolution is postponed indefinitely.

S. B. 237, a bill to appropriate funds to the Department of Agriculture for control of aflatoxin in cornmeal, with a favorable report.

On motion of Senator Hardison, duly seconded, the bill is postponed indefinitely.

S. B. 285, Committee Substitute for **S. B. 285**, a bill to direct the Legislative Research Commission to study the need for new health occupational licensing boards, with a favorable report.

On motion of Senator Hardison, duly seconded, the Committee Substitute bill is postponed indefinitely.

S. J. R. 349, a joint resolution authorizing the Legislative Research Commission to study the feasibility of consolidating the State computer systems, with a favorable report.

On motion of Senator Hardison, duly seconded, the joint resolution is postponed indefinitely.

S. J. R. 427, a joint resolution authorizing the Legislative Research Commission to study the laws of charitable solicitation, with a favorable report.

On motion of Senator Hardison, duly seconded, the joint resolution is postponed indefinitely.

S. J. R. 497, a joint resolution directing the Legislative Research Commission to study the laws pertaining to the taxation of alcoholic beverages and the designation of revenues for alcoholism education, rehabilitation and research, with a favorable report.

On motion of Senator Hardison, duly seconded, the joint resolution is postponed indefinitely.

S. J. R. 519, a joint resolution directing the Legislative Research Commission to study regional offices operated by State agencies, with a favorable report.

On motion of Senator Hardison, duly seconded, the joint resolution is postponed indefinitely.

S. J. R. 621, a joint resolution directing the Legislative Research Commission to study the teacher tenure law, with a favorable report.

On motion of Senator Hardison, duly seconded, the joint resolution is postponed indefinitely.

S. B. 624, a bill to require that expenditures for the current operations of State departments, institutions and agencies be five percent less for the 1981-83 biennium than the budget proposed by the Governor and the Advisory Budget Commission, with a favorable report.

On motion of Senator Hardison, duly seconded, the bill is postponed indefinitely.

S. J. R. 631, a joint resolution authorizing a study of revenues and expenditures on highways and transportation and funding of the Highway Fund to produce a comprehensive and long-range plan, with a favorable report.

On motion of Senator Hardison, duly seconded, the joint resolution is postponed indefinitely.

S. B. 690, a bill to prohibit use of State funds for abortions, with a favorable report.

On motion of Senator Hardison, duly seconded, the bill is postponed indefinitely.

S. J. R. 697, a joint resolution authorizing the Legislative Research Commission to study providing teachers with duty-free periods and the need for and the costs of providing such periods, with a favorable report.

On motion of Senator Hardison, duly seconded, the joint resolution is postponed indefinitely.

S. J. R. 698, a joint resolution directing the Legislative Research Commission to continue its study of the laws of evidence, with a favorable report.

On motion of Senator Hardison, duly seconded, the joint resolution is postponed indefinitely.

S. J. R. 714, a joint resolution authorizing the Legislative Research Commission to continue its study of ownership of land in North Carolina by aliens and alien corporations, with a favorable report.

On motion of Senator Hardison, duly seconded, the joint resolution is postponed indefinitely.

S. B. 722, a bill to direct the Legislative Research Commission to study the need for nursing home administrators licensing, with a favorable report.

On motion of Senator Hardison, duly seconded, the bill is postponed indefinitely.

S. J. R. 724, a joint resolution directing the Legislative Research Commission to study rules and regulations pertaining to the Coastal Area Management Act, with a favorable report.

On motion of Senator Hardison, duly seconded, the joint resolution is postponed indefinitely.

H. J. R. 15, a joint resolution directing the Legislative Research Commission to continue to study the Revenue Laws of the State of North Carolina, with a favorable report.

On motion of Senator Hardison, duly seconded, the joint resolution is postponed indefinitely.

H. J. R. 48, a joint resolution to permit the continuance of the work of the Legislative Research Commission's Study on the Problems of Aging as begun under Resolution 86 of the 1977 Session As Amended by Resolution 106 of the 1977 Session (2nd Session 1978) and by Resolution 62 of the 1979 Session, with a favorable report.

On motion of Senator Hardison, duly seconded, the joint resolution is postponed indefinitely.

H. J. R. 554, Committee Substitute for **H. J. R. 554**, a joint resolution urging newspapers and radio and television stations in North Carolina to adopt a policy prohibiting the publication or broadcasting of the name of a minor who is the victim of a sexual assault, and authorizing a study of the need for legislation on this subject, with a favorable report.

On motion of Senator Hardison, duly seconded, the Committee Substitute joint resolution is postponed indefinitely.

S. B. 130, a bill to direct the Legislative Research Commission to study equitable distribution of marital property, with an unfavorable report.

S. J. R. 723, a joint resolution directing the Legislative Research Commission to study academic balance of scientific theories of life-origins being taught in the public schools of North Carolina, particularly the balance between scientific theories of unassisted, spontaneous evolution and the scientific theories of special creation, with an unfavorable report.

H. J. R. 356, Committee Substitute for **H. J. R. 356**, a joint resolution requesting the Revenue Laws Study Committee to study the taxation of property owned by non-profit community development corporations, with an unfavorable report.

CONFERENCE REPORTS

S. B. 658 House Committee
Substitute for **S. B. 658**

Senator Mills, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **S. B. 658**, House Committee Substitute for **S. B. 658**, a bill to authorize the use of variable or adjustable rate loans for financing mobile or manufactured homes, submits the following report:

To the President of the Senate and
the Speaker of the House of Representatives:

We your conferees appointed to resolve the differences arising between the Senate and the House of Representatives on **S. B. 658**, House Committee Substitute for **S. B. 658**, a bill to be entitled an act to authorize the use of variable or adjustable rate loans for financing mobile or manufactured homes, wish to report as follows: that House Committee Substitute for **S. B. 658** be amended on page 6, lines 14, 19, 21 and 24 by redesignating subdivision (11) as subsection (c) and redesignating subdivisions (11)a, and (11)b and (11)c as subdivisions (1), (2), and (3), respectively; and to add a new subdivision (4) to subsection (c) to read as follows:

"4. Nothing in this section shall be construed to alter the federal preemption allowing unlimited interest rate ceilings as they apply to first mortgage loans."; and

on page 6, lines 15 and 16 by deleting the phrase "(except G. S. 25A-15, G. S. 25A-33(4) and G. S. 25A-34)."; and

on page 6, line 20, by adding after the phrase "G. S. Chapter 25A" the following:

"except for G. S. 25A-33(4)" and on page 6, line 23, by adding after the phrase "G. S. Chapter 25A" the following:

"G. S. 25A-34 shall not be construed to limit variation in regular monthly payment amounts on loans under this section.")

To this end the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 10th day of July, 1981.

W. D. MILLS

ROBERT D. WARREN

RACHEL G. GRAY

*Conferees on the part
of the Senate*

ROGER BONE

ALLEN ADAMS

RALPH P. EDWARDS

*Conferees on the part
of the House of Representatives*

On motion of Senator Mills, the Conference Report is adopted and the House Committee Substitute bill is ordered enrolled. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

**H. B. 329, Committee Substitute
for H. B. 329**

Senator Hardison, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H. B. 329, Committee Substitute for H. B. 329**, a bill raising fees of registers of deeds, submits the following report:

To the President of the Senate and
the Speaker of the House of Representatives:

We your conferees appointed to resolve the differences arising between the Senate and the House of Representatives on **H. B. 329, Committee Substitute for H. B. 329**, a bill to be entitled an act raising fees of registers of deeds, wish to report as follows:

The Senate recedes from Senate Amendment No. 1 (Swain Amendment).

The House concurs in Senate Amendment No. 2 (Hardison Amendment).

The Senate recedes from Senate Amendment No. 3 (Harris Amendment).

In lieu of Senate Amendment No. 1, the House and Senate amend the House Committee Substitute as follows: on page 2, line 9 delete "three dollars (\$3.00)" and insert in lieu thereof "two dollars (\$2.00)".

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the day of

HAROLD W. HARDISON

CONRAD DUNCAN

ROBERT S. SWAIN

*Conferees on the part
of the Senate*

DANIEL T. LILLEY

GEORGE A. HUX

R. D. BEARD

*Conferees on the part
of the House of Representatives*

On motion of Senator Hardison, the Conference Report is adopted and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

July 10, 1981

RECONSIDERATION

S. B. 594, Committee Substitute for **S. B. 594**, a bill to provide nominations by petition in all elections for directors of a telephone membership corporation and to reserve to only its members the power to amend the bylaws of the corporation pertaining to elections of directors.

Senator Royall moves that the vote by which the Committee Substitute bill failed to pass its third reading be reconsidered, which motion prevails.

On motion of Senator Royall, the Committee Substitute bill is placed on the Calendar for June 2, 1982, upon third reading.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

S. J. R. 733, a joint resolution setting the time for adjournment of the 1981 General Assembly, to reconvene in the fall of 1981 at a time to be determined by the President of the Senate, and the Speaker of the House, and then to adjourn and reconvene in June 1982; and limiting the subjects that may be considered in those Sessions, for concurrence in House Amendment No. 1.

On motion of Senator Royall the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

On motion of Senator Royall, the Senate concurs in House Amendment No. 1 and the joint resolution is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 157, an act to continue in effect Chapter 1298 of the 1977 Session Laws relative to the designation of funds to political parties by individual taxpayers.

S. B. 596, House Committee Substitute for **S. B. 596**, an act to make uniform qualifications for and to prohibit conflict of interests by election officials.

S. B. 603, Committee Substitute for **S. B. 603**, an act to allow personal representatives in the probate of estates to use vouchers or other verified proof.

S. B. 658, House Committee Substitute for **S. B. 658**, an act to authorize the use of variable or adjustable rate loans for financing mobile or manufactured homes.

S. J. R. 675, a joint resolution authorizing joint meetings of the Senate Committee on Banking and the House Committee on Banks and Thrift Institutions during the interim period between sessions of the 1981 General Assembly.

S. J. R. 733, a joint resolution setting the time for adjournment of the 1981 General Assembly, to reconvene in the fall of 1981, and then to adjourn and reconvene in June 1982; and limiting the subjects that may be considered in those Sessions.

S. J. R. 772, a joint resolution commending the North Carolina Medical Society and its members for providing medical services to the General Assembly.

H. B. 19, Committee Substitute No. 2 for **H. B. 19**, an act to establish priorities and procedures for disbursement of funds by clerks of court.

July 10, 1981

H. B. 42, Committee Substitute No. 2 for **H. B. 42**, an act to authorize additional judicial officials throughout the State, to increase legal counsel fees and to provide for other related matters.

H. B. 89, Committee Substitute for **H. B. 89**, an act to regulate precious metal businesses.

H. B. 329, Committee Substitute for **H. B. 329**, an act raising fees of registers of deeds.

H. B. 629, Committee Substitute for **H. B. 629**, an act to allow New Hanover County to prohibit acts of discrimination in employment and housing based on race, color, national origin, religion, sex, handicap or age.

H. B. 697, Committee Substitute for **H. B. 697**, an act to require that counsel be appointed for indigent parents in termination of parental rights actions.

H. B. 750, an act to amend G. S. 143B-153 to require the Social Services Commission to establish standards and adopt rules and regulations for payment of State funds to private child-caring institutions.

H. B. 970, Committee Substitute for **H. B. 970**, an act to increase the mileage deduction allowed for automobile expenses incurred in performing charitable services.

H. B. 1059, Senate Committee Substitute for Committee Substitute for **H. B. 1059**, an act to amend Chapter 143 of the General Statutes of North Carolina to create the North Carolina Manufactured Housing Board and to provide for the licensing and regulation of the manufactured housing industry.

H. B. 1064, Committee Substitute for **H. B. 1064**, an act to codify the common law prohibition against strikes by public employees.

H. B. 1214, Committee Substitute for **H. B. 1214**, an act to amend the laws regulating bingo and raffles.

H. B. 1248, Senate Committee Substitute for **H. B. 1248**, an act to modify public school residence requirements as enacted by Chapter 567, Session Laws of 1981, for a person who resides in a place that is not his domicile either because his parent or guardian is a college or university student, employee or faculty member.

H. B. 1277, an act to provide for the merger of two contiguous sanitary districts.

H. B. 1311, an act to exempt the General Assembly from the requirement of purchasing through the Department of Administration when purchasing supplies, materials and equipment for less than five thousand dollars.

H. J. R. 1335, a joint resolution honoring the life and memory of Edwin Smith Pou.

H. B. 1342, Committee Substitute for **H. B. 1342**, an act to amend the laws regulating the practice of cosmetic art.

H. B. 1362, Senate Committee Substitute for **H. B. 1362**, an act to increase the punishment for prostitution in the first degree.

The Senate having completed the business before it, Senator Rauch offers a motion seconded by Senator Alford, that the Senate do now adjourn in accordance with **S. J. R. 733**, which motion prevails.

The hour for adjournment fixed by **S. J. R. 733**, passed by the two Houses, having arrived, the President of the Senate declares the Senate stands adjourned to reconvene Monday, November 16, 1981, at 12 M., unless convening at an earlier date is accomplished in accordance with the provisions of **S. J. R. 733**.

JAMES C. GREEN

President of the Senate

SYLVIA MORRIS FINK

Principal Clerk of the Senate

ADDENDUM

ADDENDUM

It will be noted that a number of bills and resolutions passed second reading and then were read a third time on the same day.

Rule 50 states:

No bill on its third reading shall be acted upon out of the regular order in which it stands on the calendar, and no bill shall be acted upon on its third reading the same day on which it passed its second reading, unless so ordered by two thirds of the membership of the Senate.

In order to comply with this Rule, no bill which has passed its second reading is read a third time except:

- (1) when a member moves that the Rule be suspended, and this motion prevails by at least a two-thirds vote of the membership of the Senate, or
- (2) when the Chair determines that there is no objection from any member present, which constitutes unanimous consent that Rule 50 be suspended.

In these cases, the bill is read a third time.

Sylvia Fink
Principal Clerk

It will be noted that a number of bills and resolutions passed second reading and then were read a third time on the same day.

Rule 50 states:

No bill on its third reading shall be acted upon out of the regular order in which it stands on the calendar, and no bill shall be acted upon on its third reading the same day on which it passed its second reading, unless so ordered by the Senate.

In order to comply with this Rule, no bill which has passed its second reading is ready for third time action.

(1) when a number moves that the Rule be suspended, and the vote is taken by a least a two-thirds vote of the membership of the Senate, or

(2) when the Chair determines that there is no objection from any member present, which constitutes precedence over Rule 50 be suspended.

In these cases the bill is read a third time.

John L. ...
Principal Clerk

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SENATE RESOLUTIONS

FIRST SESSION 1981

Adopted January 20, 1981

S. R. 18, A SENATE RESOLUTION RECOGNIZING AN ECUMENICAL SERVICE OF WORSHIP AT DUKE UNIVERSITY ON THE OCCASION OF THE END OF CAPTIVITY FOR THE UNITED STATES HOSTAGES IN IRAN.

WHEREAS, the governments of the United States and of Iran have agreed to the conditions necessary for release of the 52 Americans held captive for 444 days by Iran; and

WHEREAS, the release of these fellow Americans is cause for thanksgiving and hope on the part of all Americans and all freedom loving peoples of the world; and

WHEREAS, it is appropriate that services of worship, prayers of thanksgiving and prayers of hope be offered on this historic occasion;

Now, therefore, be it resolved by the Senate:

Section 1. That the Senate, in its session of January 20, 1981, hereby:

ACKNOWLEDGES the Ecumenical Service of Worship planned for Duke Chapel, Duke University, Durham, North Carolina, on Wednesday, January 21, 1981; and

UNDERSTANDS that the members of the Senate are invited, indeed encouraged, to attend and participate in the "Service of Gratitude and Hope."

Sec. 2. This resolution is effective upon adoption.

Adopted March 10, 1981

S. R. 70, A SENATE RESOLUTION ADOPTING THE PERMANENT RULES OF THE SENATE FOR THE 1981 SESSION OF THE GENERAL ASSEMBLY OF NORTH CAROLINA. (See pages 147 - 163 Senate Journal)

Adopted March 19, 1981

S. R. 280, A SENATE RESOLUTION TO URGE THE PRESIDENT AND CONGRESS TO CONSIDER CAREFULLY BEFORE LIMITING MEDICAID INCREASES TO FIVE PERCENT PER YEAR.

WHEREAS, the budget proposals now before the Congress of the United States limit federal Medicaid increases to five percent (5%) per year in spite of the fact that Medicaid costs are rising at rates in excess of fifteen percent (15%) per year; and

WHEREAS, North Carolina and the other states neither are permitted the flexibility to change the Medicaid program's administration so as to absorb the proposed reductions because the program's administration is virtually dictated by federal regulations nor do they have the fiscal resources to fund their greatly increased share of the costs; and

WHEREAS, a substantial reduction of Medicaid funds means an immediate and catastrophic loss of life-supporting Medicaid services, borne first by the poor and the

elderly as their primary care providers and much else that supports them cut off services, and eventually by all the citizens of North Carolina;

Now, therefore, be it resolved by the Senate:

Section 1. The President of the United States and the Congress are urged most carefully to consider the serious and detrimental effect that a five percent (5%) federal limit on Medicaid increases will have on North Carolina's and the other states' abilities to provide necessary life-supporting services to the poor and elderly citizens of North Carolina and the nation.

Sec. 2. This resolution is effective upon adoption.

Adopted March 27, 1981

S. R. 258, A SENATE RESOLUTION COMMENDING LIEUTENANT GOVERNOR JIMMY GREEN.

Be it resolved by the Senate:

Section 1. The Senate commends Lieutenant Governor Jimmy Green on his strong stand against even the appearance of misuse of State property or abuse of power or position by State officials.

Sec. 2. This resolution is effective upon its adoption.

Adopted April 2, 1981

S. R. 281, A SENATE RESOLUTION DIRECTING THE SENATE COMMITTEE ON COURTS AND JUDICIAL DISTRICTS AND CRIMINAL JUSTICE TO STUDY THE NEED FOR ADDITIONAL PRISON AND COURTROOM FACILITIES AND PERSONNEL IN NORTH CAROLINA.

Be it resolved by the Senate:

Section 1. The Senate Committee on Courts and Judicial Districts and Criminal Justice is authorized to study the need for additional prison and courtroom facilities and personnel in North Carolina and to report its findings to the 1981 General Assembly.

Sec. 2. This resolution is effective upon adoption.

Adopted April 21, 1981

S. R. 465, A SENATE RESOLUTION WELCOMING TO NORTH CAROLINA THE "BUY AMERICAN" TRADE MISSION FROM THE REPUBLIC OF CHINA ON TAIWAN.

WHEREAS, on April 18th through 21st the sixth "Buy American" procurement mission from the Republic of China on Taiwan will be in Raleigh; and

WHEREAS, this fifty-member delegation of government and business officials, headed by Mr. Benjamin C. C. Lu, deputy-director general of the Board of Foreign Trade, Ministry of Economic Affairs, is expected to spend over \$1.1 billion in shopping through 20 states; and

WHEREAS, since the first special procurement mission in 1978 trade between the Republic of China on Taiwan and the United States has increased dramatically, making the Republic the eighth largest trade partner of this country last year; and

WHEREAS, in previous missions the trade delegation has purchased tobacco, telecommunications equipment, and other products from North Carolina, totaling \$7.5 million worth of purchases during the 1980 mission; and

WHEREAS, during this visit to North Carolina the trade mission expects to purchase soybeans from North Carolina producers and will also be considering the purchase of other products;

Now, therefore, be it resolved by the Senate:

Section 1. The North Carolina Senate welcomes to North Carolina the "Buy American" procurement mission from the Republic of China on Taiwan and expresses its hope that this mission will be part of a continuing business relationship between this State and that nation. The Senate wishes the delegation success in its mission to the United States.

Sec. 2. The Principal Clerk of the Senate shall transmit a copy of this resolution to Mr. Benjamin C. C. Lu, the head of the delegation.

Sec. 3. This resolution is effective upon adoption.

Adopted June 23, 1981

S. R. 702, A SENATE RESOLUTION DIRECTING THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS TO MONITOR AND STUDY THE OPERATIONS OF THE DEPARTMENT OF TRANSPORTATION.

Be it resolved by the Senate:

Section 1. Pursuant to G. S. 120-76(4) the Joint Legislative Commission on Governmental Operations is directed to monitor and study the operations of the Department of Transportation. To conduct this monitoring and study the Commission shall meet at least once each two months with the Secretary of Transportation or his representative who shall appear to report on the activities of the Department. That report shall include, but not be limited to, a review or summary of each of the following:

- (1) The Department's expenditures, policies, organization, administration, programs, projects, and procedures.
- (2) Major personnel changes, promotions, transfers and reductions in force.
- (3) Proposals to employ consultants and contracts entered into with consultants.
- (4) Highway Fund revenue collections, with emphasis on the additional collections attributable to tax increases enacted in 1981.
- (5) Official activities of members of the Board of Transportation.
- (6) Revisions in the Seven-Year Construction Plan.
- (7) Comparison of road maintenance and new construction in the assignment of priorities by the Board of Transportation.
- (8) Apportionment of construction funds among primary, urban, secondary and federal aid projects, and among access and public service roads, bridges and ferries.
- (9) Reductions in and standardization of the size of work crews.
- (10) Use of prison inmates in road work.
- (11) Purchase, replacement, and use of major equipment.
- (12) Locations, dates, prices, and purposes of purchases of rights-of-way.
- (13) Comparison of Department cost estimates and estimate revisions with bids received from contractors and with actual contract awards.

- (14) Contracts let and completed.
- (15) Changes in the budget and accounting systems of the Department.
- (16) Any other information required by the Commission.

Sec. 2. The Joint Legislative Commission on Governmental Operations shall review, examine, and evaluate the information presented by the Secretary of Transportation, and other information available to the Commission, to determine whether the Department is being operated effectively, efficiently and economically and to determine whether the Department is receiving maximum benefit from the funds appropriated for its use. As provided in G. S. 120-76(5) the Commission may from time to time recommend executive or legislative action needed to effect change in the Department.

Sec. 3. This resolution is effective upon adoption.

January 14, 1981

**NOMINATION OF SENATOR W. CRAIG LAWING,
PRESIDENT PRO TEMPORE, 1981 SESSION**

NOMINATING REMARKS BY SENATOR MARSHALL RAUCH:

Mr. President, Members of the Senate, Distinguished Members of the Judiciary, Mr. Secretary Graham, Relatives of our Senators, Friends All:

We are glad you are here. This is a very happy occasion. It's an especially fine and happy occasion for me because I am going to put into nomination one of our members for President Pro Tem of the Senate. The man I am going to nominate is a former member of his county, Mecklenburg County's, county commissioners. I believe he was the youngest member ever to serve on that group—that was some years ago. He is a former member of the North Carolina House of Representatives. He has been chairman of the Mecklenburg Legislative Delegation. He has served in the North Carolina Senate. He has led us, as President Pro Tem of the North Carolina Senate. He has received numerous awards—including from his own city, the City of Charlotte, "Outstanding Citizenship Award." He is an experienced, capable and successful businessman—as President of Long, Inc., past President of the North Carolina Auctioneers Association, former member of the National Association of Auctioneers Board of Directors.

He is an experienced man. He is a capable man. He is a man who has been tested—he has been tested and found honest. He is a man who has been tested—he has been tested and found fair. He is a man who has been tested—has been tested and found courageous. You have seen this man on the floor of this Senate. You have seen him work. You have heard some of his philosophy.

I'd like to mention just two points that I have enjoyed so much from this man and, perhaps, you have too. The time he got up on this floor and told us to give flowers to our friends while they can still see and still smell them, to enjoy life and be kind to others while we work. He is the same man with the "ninety-five percent rule." In case you can't remember that, he has said, more than once, "Ninety-five percent of the people in this world don't think. Of the remainder who think, half of them think wrong. So, it is up to that two and a half percent who do think, who think right and who work hard—to lead, to challenge and get the best out of life for the rest of the world."

He is a hard worker, and he is a fighter. You have seen him debate on the floor of this Senate. You have seen him argue in committee. You have seen him work behind the scenes. He is a hard-working, diligent legislator. He has won many times, but he has lost

too, and he is the same compassionate, friendly individual, win or lose, going on—leading us on to the next issue.

If I had to choose one outstanding quality about this gentleman, I would say it is his loyal friendship. To him, helping is part of his nature, it is not something extra that he does. Being loyal, helping, achieving is to him just justice in everyday life. Truly, he is a man of justice, of helpfulness. I believe that he understands that this is the people's government—made for the people—made by the people, and responsible to the people. He is a religious man. And he knows, and lives by the creed that without faith a man could do nothing and with faith all things are possible.

So, it is with a great deal of pride and pleasure and my privilege to put in nomination William Craig Lawing as President Pro Tem of the North Carolina State Senate. A man who has honored us in serving and will honor us in the future, in leading.

FURTHER NOMINATING REMARKS BY SENATOR CONRAD R. DUNCAN, JR.:

Mr. President, Members of the Senate, Members of the Judiciary and Guests:

I rise to second the motion of Senator Craig Lawing for our President Pro Tem. After that beautiful motion and speech, Senator Rauch, you didn't leave a whole lot for me to say, but I will say that Senator Lawing is a fine Senator, and he has done a fine job here. I first knew him in the House of Representatives, where I served with him and I kept seeing him around these committee meetings, and he had a big cast on his arm. He talked kinda rough, you know, and I noticed people were listening. I was a little bit afraid of him, but in a very short time I found out that Senator Lawing was strictly business, and he was well-qualified and capable.

There is one thing that I have always appreciated about Senator Lawing, his doors is always been open when I've had a problem that I felt like he could help me with, and many times I've asked him something and he would always hit me with a little poem. I have here one I am going to read to you—it says:

“If with pleasure, you are viewing
anything a man is doing,
If you like him, if you love him, tell him now.
Don't hold your emotions 'til the persons make orations,
Or he lies with the snow-white lilies on his brow,
For no matter how you shout it,
he won't know a thing about it,
For he can't hear a single thing that you have said.
So long that you think that praise is due him
Now is the time to sock it to him,
'Cause he cannot read his tombstone when he is dead.”

Mr. President and ladies and gentlemen of the Senate, it's an honor for me to second the motion of William Craig Lawing as President Pro Tem of this Senate.

FURTHER NOMINATING REMARKS BY SENATOR CECIL R. JENKINS, JR.:

Mr. President, distinguished guests, Judges, friends of the Senators, fellow members of the Senate, and Mrs. Craig Lawing:

I rise to second the nomination of the Honorable Craig Lawing of Mecklenburg as Senate Pro Tem of the Senate of the State of North Carolina.

It was a pleasure to serve with him, and it will be a pleasure to serve with him again. He is dedicated to the people of North Carolina and to the 22nd Senatorial District. He is a man that was elected by nearly 100,000 votes to come down here to serve the people of this great State. Senator Lawing represents all the people of the State of North Carolina. He is responsive to their needs and he is a true and great statesman. So, Mr. President, I take great pride in seconding the nomination of the Honorable Craig Lawing as President Pro Tem of the Senate. Thank you.

FURTHER NOMINATING REMARKS BY SENATOR DONALD R. KINCAID:

Mr. President, ladies and gentlemen, distinguished guests, and fellow Senators:

It is, indeed, a pleasure for me to second the nomination of Craig Lawing as Pro Tem of the Senate. We have all just gone through the rigors of an extensive campaign and we have heard the people speak on many issues. Probably the most important, the so-called tax revolt—the media and some people, so call it—but I call it the real thing.

We, in the Senate and the General Assembly, will be confronted with many issues in the next six months. We need someone that has knowledge and ability to lead us in the proper direction. We need someone that has the sincerity, the ability and, at the same time, a good sense of humor. In my opinion, Senator Lawing is that person. We members of the Republican Party, in a spirit of harmony and willingness to cooperate, gladly second the nomination of Craig Lawing as Pro Tem.

And, Mr. President, unless there are further nominations, I would like to move that we close the nominations and accept Senator Lawing by acclamation.

January 14, 1981

**NOMINATION OF SENATOR KENNETH C. ROYALL, JR.
MAJORITY LEADER, 1981 SESSION**

NOMINATING REMARKS BY SENATOR ROBERT B. JORDAN III:

Mr. President, Members of the Senate, Distinguished Guests:

I rise to place in nomination the name of Senator Kenneth C. Royall, Jr. for Majority Leader of the 1981 Senate. No one is more qualified. Senator Royall is a friend, a scholar, and a student of the legislature. Ken Royall is a leader. His many awards in the civic, State legislative and national legislative arena attest to this. Just this year, he has been recognized by the North Carolina State Employees Association as State Legislator of the Year, by the North Carolina Association of State Government Workers as the outstanding State Legislator, and by the United States Association of State Government Employees as one of the top ten State Legislators in this Nation.

We sometimes tend to overlook the accomplishments of people in our own family. In my experiences in the legislature, I find that Senator Royall does more than most of us, probably more than all of us, in the time and effort he takes and spends in working for the people of North Carolina. He is recognized throughout this Nation as one of the outstanding state legislators. We recognize him in our midst as immediate past Senate Majority Leader, Chairman of the Ways and Means Committee and Chairman of the Mental Health Study Commission. On a national level, he is recognized as the immediate past Chairman of the Southern Legislative Conference, on the Executive Committee of the Council of State Governments, and has recently been elected as Vice-Chairman of the National Conference of State Legislatures, which will put him as Chairman next year.

With his broad knowledge of the organizational requirements, the rules and the traditions of this Body, no one is more qualified to be our Senate Majority Leader. Mr. Chairman, I take special pleasure in nominating Senator Kenneth C. Royall as Senate Majority Leader of this Body.

FURTHER NOMINATING REMARKS BY SENATOR MELVIN R. DANIELS:

Mr. President, Ladies and Gentlemen of the Senate, Distinguished Members of the Court, Honored Guests:

I rise to second the nomination of Senator Kenneth Royall for Majority Leader.

Ken Royall's record in the North Carolina Senate is one that needs no comment from any of us. He is well known as Chairman of the Ways and Means. He is well known to both the Senate and House for his leadership in the budgetary process, and I might add, ladies and gentlemen of the Senate, that Ken Royall is a man of perhaps unique total recall in the budgetary figures and computations that we need to call on daily.

As a freshman, I found Ken Royall to be not only a friend but one who took into consideration the concerns of my district. You new members of the Senate will find a real friend in Kenneth Royall when you have concerns, as I do, over matters of appropriations that affect your district. I would urge that you each get to know Ken Royall much better, for you will find a real friend there.

Let's go back for just a moment and look at Ken Royall—a leader in business, a leader in government and a leader in the military. Ken Royall was, perhaps unknown to many of us, one of the most distinguished members of our Body who served in World War II. He was honored as a Marine Corp Major, highly decorated and served his country well. Ken Royall's father not only served as Secretary of War but also as Secretary of the Army. It is a distinguished and a royal family that we have in our midst.

I think that you will also appreciate Ken Royall, the man who has concern over North Carolina's budget. Ken Royall will look carefully, long and hard, at the needs of a department, but he shares your concern and my concern over fiscal restraint. I think that this Session, perhaps as much as any Session that we have served, this will be important budgetary restraint.

Ken Royall is a leader among men, a senator among senators, and a friend of each of you. It is with real pleasure that I recommend and second the nomination of Senator Kenneth Royall.

Mr. Chairman, Mr. President, if there are no other nominations, I would move that the nominations be closed and that Senator Royall be elected as Majority Leader of this 1981 Senate by acclamation.

January 15, 1981

STATE OF THE STATE ADDRESS

by Governor James B. Hunt, Jr.

STATE OF THE ECONOMY

I believe we should begin our deliberations with this question: What can we do this year—as Governor and as members of the General Assembly—to help North Carolinians in a time of economic hardship?

Our nation faces its most serious economic problems since the Depression 50 years ago: sluggish growth, high inflation, high interest rates and high unemployment.

North Carolinians have suffered with the nation. We also have persistent economic handicaps: low per capita income, too much poverty and not enough good jobs.

Let us pledge tonight that we will overcome them.

Let us pledge that our agenda this year will be to open the doors of economic opportunity to all North Carolinians.

Let us pledge to make it possible for all North Carolinians to earn a good living and provide adequately for their families.

Let us also count North Carolina's blessings.

In the 1970s, the average pay of our people increased at a rate seventh-highest among all the states.

In the last four years, we have enjoyed unprecedented economic growth. Industries have decided to invest \$8.1 billion in new and expanded plants—more than in the previous 11 years combined. That is an achievement North Carolina can be proud of.

Despite the national recession, 1980 saw North Carolina reach the second-highest level of industrial investment ever—\$2.24 billion, second only to the \$2.4 billion recorded in 1979. That is an achievement North Carolina can be proud of.

And that investment over the last four years will bring North Carolina more than 122,000 new manufacturing jobs. That is an achievement North Carolina can be proud of.

So we have a strong foundation on which to build.

Now we need a strategy for strengthening our people and overcoming our human handicaps.

We need a strategy for economic development and for human development.

And we need to recognize that the full development of our people is essential to the development of our economy.

Human development means infant health care and child day care. It means education and skill training. It means a good job and a good retirement. It means full and equal opportunities for **everyone**.

Economic development means more than just convincing industries to come to North Carolina. It means good roads and public transit and ports and airports. It means a good energy supply. It means safely disposing of hazardous wastes. It means protecting the air, the land and the water that God has given us.

Let us commit ourselves to a strategy that will develop the full potential of our people and unlock the full potential of our economy.

Let us commit ourselves to making North Carolina all that it can be and ought to be.

RESPONSIBLE GOVERNMENT

But as we do so, let us remember this:

We must be responsible with the taxpayers' money. We must make wise investments

that will yield better jobs and better education and a better future.

We must be conservative **and** progressive.

We must cut out the fat, but build the muscle.

We have kept state government on a strict diet.

The number of state jobs has increased only 10 per cent the last four years, while it grew 20 per cent the previous four years. This year, the growth in state jobs is the smallest in more than a decade—0.8 per cent.

But we can do something in the coming budget year that hasn't been done in a long time—if ever. We can actually **reduce** the number of state employees. You will do that if you approve this budget.

I recommend that we eliminate 1,002 jobs from the state payroll. That can save the taxpayers \$13 million in salaries. It will shrink the size of state government by almost 2 per cent.

If you do that, it will mean that, over the last four years, we will have abolished almost 2,200 jobs—almost 1,000 of them in the Department of Transportation.

The rest of the nation is just now waking up to the wisdom of restricted government growth and responsible taxation. That has been the North Carolina way for decades.

We have had no state tax increases in the last eight years. For this year, dependent exemptions have been increased by \$200 each. Standard deductions and personal exemptions have been raised 10 percent. This General Assembly can be proud of that.

We rank 46th among the 50 states in our combined state and local taxes. We pay \$711 per person per year, while the national average is \$934. The difference is \$223 per person in North Carolina.

In keeping with that tradition of responsible taxation, we should consider tax relief carefully targeted to help those hit hardest by inflation—families with children and the elderly.

I recommend the elimination retroactively of the early filing deadline that cost many elderly people their homestead exemption on property taxes last year. I also support raising the income limit and exemption amounts to reflect inflation. But the state should reimburse the counties and cities for any loss in tax revenues.

I also recommend helping low and middle-income working parents by providing a child care tax credit, instead of the present deduction.

We should recognize the burden that property taxes put on our citizens and the restrictions they place on local governments. Those governments have made great progress in their strength and effectiveness.

The budget I am presenting to you would provide new and continued assistance of \$14 million to local governments for Medicaid, health and social services costs.

This legislature might also properly examine the long-run financial needs of local governments as compared to their revenues from present tax sources.

We must be fair to the fine employees who work for state government. This budget provides \$106 million for their salary increases. I urge the legislature to look at various ways to pay this, but I hope you will especially consider maximizing take-home pay to teachers and state employees by having the state pick up five per cent of the six per cent

retirement contribution made by State employees. This would permit an average increase in take-home pay of about seven per cent.

I recommend that retired employees get the same increase in their benefits as the active workers get. That principle of equity should now be firmly established for the future. In addition, oversights in the retirees' benefits that were enacted by the last legislature should be corrected this year.

HIGH-TECHNOLOGY STRATEGY

The very leanness of the budget forces us to clarify our strategy for economic growth and to establish clear priorities.

I believe we should seek a future as a high-technology state. We should emphasize productivity, ideas and innovation.

We should target high-wage, high-growth industries like microelectronics. One micro-circuit smaller than your fingernail can process huge amounts of information that once required computers the size of this hall. These tiny "chips" will be the crude oil of the 1980s.

This is the Information Revolution, and it has hit the world with the impact of a second Industrial Revolution.

We can ride that wave to build a more prosperous economy and become a more productive state.

Microelectronics isn't the only industry in our future. Thanks to our universities and research institutions, North Carolina can pioneer in molecular biology, photovoltaics and other sophisticated technologies.

We are attractive to those industries. Look at General Electric's decision to locate its major new microelectronics research and development facility in North Carolina after looking at many other states.

This week, we read where the governor of California is worried by our competition for that industry. Well, let's give the Governor of California something to really worry about.

Let us resolve that no state will be more innovative and aggressive than North Carolina in pursuing this good growth.

Let us boldly commit ourselves to making North Carolina the East Coast center for this industry.

I am asking this legislature to commit \$24.4 million over the coming biennium to develop the Microelectronics Center of North Carolina.

The Center is a unique partnership of government, education and industry. It will tie together the scientific and research resources of five great universities—N. C. State University, the University of North Carolina at Chapel Hill, Duke University, North Carolina A&T State University and the University of North Carolina at Charlotte—as well as our community college system and the Research Triangle Institute.

It will train the minds and the skilled hands that are the lifeblood of this industry.

It can be the magnet that will attract microelectronics-related industries and good jobs to all parts of North Carolina—from the mountains to the coast.

This high-technology future can further our goal of balanced growth. We are committed to that principle in law.

Venture capital and utility services are needed throughout North Carolina to help bring good jobs to where the people are. Small businesses and minority-owned firms stand to benefit from this balance.

HUMAN DEVELOPMENT

Meeting the goal of a productive, high-technology state requires the full development of our people.

We must begin by raising up healthy, well-educated children who will grow up able to hold high-technology jobs.

We cannot afford to do otherwise. It costs us as taxpayers \$36,000 per year for a mentally retarded child at Western Carolina Center. It costs us \$38,000 a year for a mentally ill patient at Dorothea Dix. It costs us \$31,000 for a juvenile at C. A. Dillon School.

Every year, 26,000 teenagers give birth in North Carolina. Half of their babies are illegitimate; many are retarded or handicapped.

It is a shame that North Carolina ranks fourth highest among the states in the number of babies that die before their first birthday, and we must change that.

We have made a good beginning these last four years. We have provided better infant and maternal health care. Hospitals are screening babies at birth, and doctors and nurses are following up with those who have defects and diseases.

Now, we must mobilize all our resources to save the children.

For them, we must expand our infant and child health programs.

As they grow older, we should continue to put state money into private day care. This General Assembly took that bold step in 1979.

And the state should do more to help those of all ages who need help.

For the mentally ill, I ask you to provide a \$2 million reserve to improve community treatment.

For the mentally retarded, I ask you to provide more money for group homes.

For the severely and profoundly retarded, I ask you to provide additional specialized treatment.

For those who suffer from alcoholism and drug abuse, I ask you to provide more community treatment and prevention programs.

For older adults, I ask you to provide more assistance for senior citizen centers.

And for all of us and for our future, I ask you to make the same commitment to education that Charles Brantley Aycock made in his Inaugural Address in 1901 when he said:

"I pledge the state, its strength, its heart, its wealth, to universal education...I pledge the wealth of the state to the education of its children."

North Carolina has made great strides in its public schools the last four years. Our teachers, principals, superintendents and all educators deserve tremendous credit. We are focusing on the basic skills and developing competency for life.

For years, North Carolina has been way down in the national education scores. But now, for the first time ever, our students in grades one through six have scored at or above the national average in reading, language, spelling and math.

Our students' SAT scores are up, while they are dropping in other parts of the nation.

Our minimum competency test has had a powerful impact throughout the school system. The passing rate has increased each year it has been given. The greatest gains have been made by black and Indian students.

I appeal tonight to two groups in particular.

First, our teachers. They have the toughest and most important jobs in our state, and this General Assembly recognized that last year by enacting a fairer salary schedule for them. I appeal to our teachers to commit themselves to nurturing every young mind in their classes and to making our public schools the best in the nation.

I appeal to you, the members of this House and this Senate, to make the wise investments that will mean true excellence in education.

This year, let us begin a new quest in education.

Today, one out of every three teenagers drops out of school before graduating. That is a tragic waste that North Carolina cannot afford.

Let us commit ourselves in this General Assembly to perhaps the biggest and most important goal we have ever set: to help every child in North Carolina graduate from high school.

We should build on our proven kindergarten and Primary Reading programs. They have produced those exceptional test results.

I urge you to appropriate the money needed to reduce class sizes in grades four through six from one teacher for every 30 students to one teacher for 26.

We should put the same emphasis on individual help for students in the basic subjects—reading, language arts and math—in grades seven through twelve. Our goal here should be to reduce class size to one teacher per 25 students. Because of the tight budget, I can only move halfway toward that goal in the coming biennium. But we must make that full commitment in our hearts.

In addition to reducing class size, our program to reduce dropouts includes additional remedial instruction, vocational guidance counseling and a greater emphasis on teaching writing throughout the school grades.

But our schools and our students need more than tax dollars. My goal during the next four years will be to get more people helping to make their schools excellent. We will work to get every single school "adopted" by a church or organization that will provide volunteers and support. And we will expand the Community School program to every local school system, opening the doors of the schoolhouses to the community.

The preparation of our young people for careers in high technology will require a greater emphasis on math and science. Our North Carolina School of Science and Mathematics has focused national attention on our state, and I urge you to approve the items in this budget for operations and major renovations of its buildings.

To achieve a productive state, education and skill training must go hand-in-hand. Our goal must be to develop in each citizen the job skills necessary to get a good job and provide a good living for his or her family.

Over the last 20 years, this legislature has provided the funds for building one of the finest community college systems in the country. Today, that system has strong, new leadership and its own governing board composed heavily of industry leaders. I ask you to give it the tools and support it needs to do its job. And its primary job is to train people to work.

This budget provides \$18 million for better training equipment and programs in our 58 institutions.

In addition, we need a comprehensive state policy on skill training. I promise you that as Chief Executive of this state we will soon develop a policy to use more efficiently the training funds available in our community college system, the public schools, the university, the Employment Security Commission, and most important, private industry. All of these parts must work together to train the hands that run the wheels of industry and agriculture.

The high technology future we seek in North Carolina will come about only as we maintain and build our great university system.

It is more than just an educational enterprise. The University of North Carolina and all of its campuses are the major attraction for scientists, engineers, medical researchers and other top people in their economic fields.

The university system is part and parcel of our microelectronics development now under way and our efforts to develop new energy sources. I urge you to give it your loyalty and strong support.

I also remind you of the superb private colleges and universities in our state and their heroic battle to provide resources for their special educational functions. Because of limited revenues, this budget increases our per-student allocation by only \$50 each year, and that is not adequate for their needs. I will be pleased if this amount can be increased.

We must also nurture and develop our cultural resources. We should give all our people a chance to experience the richness and fullness of music, art, drama and literature. We must take them to the people.

North Carolina's business community has been generous in its support of our cultural activities. Corporate contributions to those purposes totaled \$7.4 million in 1979. Volunteers have given countless hours. State government owes it to our people to make the same level of commitment and dedication.

All of this—health care, day-care, education, our cultural resources—is part of our human development strategy.

But it will be in vain if we do not open the doors for full participation in our society by all of our citizens. Let us make that commitment today—the birthday of Dr. Martin Luther King, Jr.

We must not tolerate discrimination in our state—against blacks or Indians, women, the mentally retarded or mentally ill, the elderly or the handicapped.

I ask this General Assembly to join me in actively searching out and putting a stop to discrimination and, further, to affirmatively offering full and equal opportunities to everyone.

As the father of three daughters and a son and as Governor, I continue to believe that the Equal Rights Amendment to the United States Constitution is morally right and that we ought to ratify it.

We must also provide justice to the one-half of our population that is female by correcting unfair state laws. It is high time that wives in North Carolina—who work as equal partners on farms, in businesses, and in the home—be treated equitably in the distribution of marital property. They helped earn it, and they should share in it fairly.

We cannot expect people to believe in and support our free enterprise system unless they have a fair chance to get into it and progress on their merit. Therefore, I will support enactment of a Fair Employment Bill to give state government the authority to resolve complaints of hiring discrimination.

We must guarantee that our system of justice is fair to minorities. When I deliver my Special Message on Crime to this General Assembly, I will ask you to pass legislation designed to provide fair representation of minorities on jury lists.

I will also speak to a number of issues relating to one of the most important of all freedoms—the freedom from crime and physical violence. I will especially emphasize the importance of helping young people avoid being drawn into a life of crime.

ECONOMIC DEVELOPMENT

Just as we have a strategy for human development, we must also have a strategy for economic development.

It may be tempting to look at the record of the last four years and want to relax. But North Carolina can't do that. We have too far to go. And the competition is too fierce. North Carolina will fall behind in the race for better jobs if we don't build the muscles that keep us competitive.

A healthy economy requires energy. North Carolina can lead the nation in developing and using alternative sources of energy. We must make that commitment.

Because of the action by this General Assembly, our state has one of the most effective systems of utility regulation in the nation. Our Utilities Commission and the Public Staff have kept the increase in electric rates below the inflation rate the last four years. Both Duke and Carolina Power & Light provide power at a cost lower than most utilities across the nation, and they deserve our praise.

At the same time, we must take whatever action is necessary to guarantee fair rates for the people of northeastern North Carolina, and I am prepared to do that.

But a good energy policy should do more than regulate. It should produce more energy. And that requires three things: investments, innovation and incentives—investments in research, innovations in how we use energy and incentives that will encourage people to adopt alternative forms of energy.

North Carolina is already a national leader in blazing an alternative energy path. We are proving that the future does not have to be cold and dark. We are proving that, while the world may be running out of cheap oil and gas, it is not running out of energy.

North Carolina is a national leader in energy conservation.

We are using solar power, wood and water power.

We have under way a Revolving Solar Trust Fund designed to finance the construction of one solar demonstration home in all 100 counties.

We have created the North Carolina Energy Institute and the Alternative Energy Corporation. Both are pioneering in the search for new forms of energy.

This year, I will ask you to enact a package of tax incentives that will encourage our citizens to use those new sources.

This will include a passive solar tax credit.

It will include restoring the tax credit for insulation.

It will include investment credits for businesses and farms that install alternative energy sources.

I will also propose legislation to establish a program that will help people obtain low-interest loans to install solar energy equipment in their homes.

One of the most crucial issues facing our state today is the safe management of hazardous and low-level radioactive wastes. We are the fourth largest generator of low-level radioactive waste in the nation—202,000 cubic feet in 1979—and the eleventh largest generator of hazardous waste—more than 120 million gallons in the same year.

The generators of these wastes are the backbone of our economy. The textile industry generates varsol solvents, dye sludges and lubricating and hydraulic oil wastes. The furniture industry can generate waste solvents. Our printing and publishing industry generates solvents and metal residue wastes. Important health tests use radioactive elements.

Last July, I appointed the Governor's Task Force on Waste Management, composed of representatives from state and local governments, higher education, environmental groups and industries. They have worked long and hard to arrive at the best solutions to this problem.

The draft report of this task force is being circulated throughout the state now for public comment, and the final report is due in February.

It will call upon us for some hard decisions—decisions that will determine our future and our children's future, decisions about who will be ultimately responsible for a comprehensive and safe management system, decisions about how it will be accomplished. These are decisions that must be made if North Carolina is to move ahead in the 1980s.

We must strengthen our program of monitoring air quality. We are in danger of losing good industry if we don't.

We must continue our work to clean up the Chowan River and save our other rivers from pollution.

We must maintain strong protection of our precious and fragile coastal region.

Just as we must maintain our natural resources, we must maintain our capital resources. We cannot let our roads and highways and bridges fall into ruin and disrepair. We cannot leave a legacy of neglect to future generations. The responsibility to prevent that is yours as members of this General Assembly.

All of our efforts to build our economy will fail without a good system of transportation to supply our farms and homes and industries and to transport our products across the state, the nation and the world.

I will not make any recommendation to you on this issue until the spring. I will be working until then to determine how much of our current revenues we can save.

We must remember that North Carolina's economy cannot be strong if agriculture is not strong.

Every day in the United States, 12 square miles of American farmland are lost to shopping malls, housing development and highways. We must develop a way to protect our prime farmland from unnecessary and unwise development, and I will propose legislation to do that.

We must provide greater support for our farm exports and our marketing facilities.

And we must expand our agricultural research and extension efforts.

CONCLUSION

Let me conclude tonight with this.

I have sought to present you and the State of North Carolina with more than a budget.

I have outlined a program for progress, a strategy for the future.

Across the nation, we see other states laying their plans. Many are content to stand still, or even to turn back.

But North Carolina cannot afford to stand still or to turn back. We cannot hide from the future.

We must not be afraid to swim against the tide, to sail against the wind.

We must move ahead.

I have a vision for North Carolina.

It is one in which we face the future without fear.

It is one in which we live together in safety, peace and harmony.

It is one in which every human being is free to be all he or she can aspire to be.

It is one in which no child goes to bed sick, or hungry, or hurt.

It is one in which older adults live in dignity and comfort.

Does that sound like an idealistic vision? Certainly it is.

But we can achieve it.

I believe in North Carolina, our people and our promise.

Last Saturday, I was sworn in as North Carolina's 41st elected governor.

This week you convene as North Carolina's 134th General Assembly.

What we do this year, we do for 400 years of history that come before us and untold generations that will follow.

What will we leave for them?

It can be a legacy of hope and progress.

It can be a North Carolina in which, truly, the weak grow strong and the strong grow great.

Let us—General Assembly and Governor together—leave that legacy this year.

February 2, 1981

SPECIAL MESSAGE ON CRIME TO THE NORTH CAROLINA GENERAL ASSEMBLY BY THE HONORABLE JAMES B. HUNT, JR., GOVERNOR OF THE STATE OF NORTH CAROLINA.

This is the third time I have come before this General Assembly to deliver a Special Message on Crime.

During the last four years, this legislature has responded, and it has led. You have given North Carolina new weapons in the war on crime:

- A law requiring speedy trials.
- A presumptive-sentencing law.
- Harsher penalties for drug smugglers.
- Mandatory prison terms for armed robbers.

And the people have responded. We have mobilized thousands of North Carolinians to fight crime in their communities and their neighborhoods by preventing it from happening in the first place.

But, as these Sheriffs and Police Chiefs seated in the gallery can tell you, we have a long way to go. The crime rate all over this country remains alarmingly high.

Some people say crime is inevitable and we are helpless to prevent it.

I do not accept that notion.

I do not believe the people of our State have to be held hostage to terror.

I do not believe we have to accept a situation where a family is not safe in its own home, where elderly citizens are afraid to walk on the streets and where women cringe when they hear a knock at the door.

Crime hurts people—the people least able to defend themselves—and we must not tolerate it.

In the last four years, we have forged a more effective and more efficient system of criminal justice. But we must widen our war against crime and fight it on new fronts.

We can't win that war in the police stations and the courtrooms and the prisons alone.

Ultimately, it will be won or lost in the hearts and minds of our people—particularly our young people.

If we save our children, we can save society.

If they turn to a life of delinquency and crime, we will lose.

If they are guided to a lifetime of respect for the law, we will win.

I come to you tonight to propose a strategy to save them and save our future.

STRENGTHENING THE SYSTEM

That strategy builds on the foundation this General Assembly has laid the last four years.

Because of the Speedy Trials Law this legislature passed, defendants now must be tried within 120 days. On October 1, that deadline goes down to 90 days. The courts can be ready by then, and the budget I have proposed to you gives them further assistance. Swift punishment is essential to fighting crime, and I will oppose any effort to further delay that 90-day requirement.

Another change that will deter crime—the Fair Sentencing Act—is scheduled to take effect March 1. It reduces the discretion judges have in determining sentences—discretion that is far too great. I urge you to act within the next three weeks to enact simple amendments that would make the law work better.

This year, we should make further improvements in how our courts work.

We must ensure fairness in selecting juries for criminal trials. I will propose legislation to guarantee that minorities are fairly represented on lists of potential jurors.

And I will recommend legislation reducing the number of potential jurors lawyers can reject. In multi-defendant trials, jury selection often takes too long and costs too much. The Ike Atkinson drug trial in Goldsboro cost our taxpayers \$239,352 in legal fees for defendants who claimed to be indigent. Of that figure, \$194,676 went to lawyers who took three months to pick a jury. That has to be stopped.

Later in this legislative session, our Courts Commission will come forward with additional proposals to improve the effectiveness of the courts.

They will include incentives for bright young attorneys to make careers of criminal prosecution, the decriminalization of minor traffic offenses and streamlining criminal appeals.

I want to express my gratitude to Chief Justice Joseph Branch, one of the truly outstanding jurists in this nation, for his leadership in bringing about a more efficient administration of justice in North Carolina. He deserves our thanks.

I encourage senior resident Superior Court judges to follow his example. They should meet regularly with court personnel, law enforcement officers, district attorneys and trial lawyers. These meetings can greatly improve the flow of criminal cases and increase public confidence that the entire system is focusing on reducing crime and using tax money wisely.

Just as we should strengthen our criminal justice system we should strengthen our laws against crime.

We must intensify our efforts against organized and white-collar crime.

I urge you to enact a Racketeer Influenced and Corrupt Organizations Law modeled after the federal statute.

And I join with Attorney General Rufus Edmisten in recommending legislation that will make bid-rigging on any State contract a felony.

We have seen North Carolina's good name besmirched by those who have defrauded the State and cheated the taxpayers.

As Governor, I intend to see that we punish those who have done wrong and recover the taxpayers' money. The law we propose would make the penalties for that extremely severe. This legislature can pass the strictest law in the country to make sure that it never happens again.

We should make other laws stronger.

As part of the Fair Sentencing Act, I will propose longer sentences for habitual felons.

I also believe a person who commits a crime while out on bail should face consecutive, not concurrent, sentences.

I agree with the district attorneys of this State that those who plan a crime and solicit someone else to carry it out should be subject to the same penalties as those who commit the crime.

And we need to remove the provision in criminal law that prohibits spouses from testifying against each other. We shouldn't force such testimony, but neither should we prohibit it.

Many of the proposals I have talked about tonight are the work of the Governor's Crime Commission. That Commission is charged by law with officially planning our State's fight against crime. I am committed to keeping it working, despite the loss of federal funds from the Law Enforcement Assistance Administration that it has relied on.

LEAA money has helped local law enforcement agencies modernize and try innovative programs. Just as soon as resources permit, we should provide State crime-control grants to help local governments strengthen their law enforcement.

VICTIM PROTECTION AND ASSISTANCE

The constitutional rights of the accused must always be protected. But I believe the rights of innocent victims should weigh more heavily on the scales of justice.

We should require criminals to pay more restitution to their victims for the losses and injuries they cause. I believe that, over the next four years, we can double the amount of restitution being paid. I urge judges to require it in every possible instance.

Restitution should be made the **first** priority among payments made by a convicted defendant. Today it is not first. The least we can do is pay the poor victim first—before State costs, before court costs, before lawyers' fees, before anything else. I urge you to require that by law.

Whenever we can, we should make the criminal pay restitution to the victim. But it is also time to consider using State funds to help the victim pay for his losses and making the criminal reimburse the State later.

And the people we shall start helping right away are the victims of rape.

I find it unconscionable that our system requires a rape victim to undergo an immediate and often humiliating physical examination—and then makes her pay for it.

We can find the money to do it, and we are going to begin paying for those examinations. And we are going to make the convicted rapists repay the State in full.

We must also extend greater protection to elderly citizens—the people who suffer most from the mental, physical and financial injury inflicted by criminals.

I support legislation that would make it a felony to commit any assault and battery on a person over 60 years of age.

I also recommend that judges consider giving longer sentences to criminals who attack elderly victims.

Let the word go forth from this Governor and this General Assembly: "Friend, if you lay a hand on an elderly person in this State, we're going to throw the book at you."

CITIZEN INVOLVEMENT

We can't hire enough policemen and we can't pass enough laws to eliminate crime. We can make a dramatic difference only if we enlist our people—people who care and are willing to volunteer their time and energy to the war against crime.

Community Watch is a proven deterrent to crime. Three years ago, the Van Story Hills area in Cumberland County had 96 break-ins. Last year, after residents organized a Community Watch, they had only six.

In Buncombe County, the 22,000 people who were part of Community Watch have had only six break-ins in the last four years.

We now have more than 6,500 Community Watch programs operating across North Carolina. Our goal is to double that by 1985.

I believe in Community Watch. I belong. I have Community Watch signs at my farm and at the Mansion.

We also have to reach young people. We have to teach them the value of the law. How it holds our society together. How it protects us from a tyranny of terror.

We are working now to take educational programs on crime and our system of justice to more than one and a half million youngsters in Scouts, 4H Clubs and other organizations across North Carolina. And their sharp eyes and ears can be weapons against crime.

PREVENTING JUVENILE CRIME

Those young people are where our war against crime will be won or lost. All of the approaches that I have discussed are important. But a commitment to keeping young people out of crime can do more than all the rest put together.

That commitment should start in the public schools. If you doubt it, take note of the fact that **80 per cent** of the people in prison in North Carolina are dropouts.

As we teach children to read, to do math, to get a good job, to become responsible—we prevent crime. That underscores how important it is for you to approve the reductions in class size and other educational programs that I proposed in my State of the State address.

When students misbehave, we should use in-school suspension. They should not be given the freedom of the streets. They should be put in a closely supervised classroom, forbidden to talk and required to study every minute. The worst punishment in the world!

For too many young people, drug use is the door to a life of crime. Many steal or become prostitutes to support their habits. Others become pushers themselves.

This legislature has acted wisely and I commend you—when you provided more SBI agents to attack this problem and enacted jail terms of up to 50 years for drug smugglers. But we should now take another step.

I believe people who purvey drug paraphernalia, trying to popularize drug use among young people, are parasites on society.

I ask you to pass a tough drug paraphernalia law that will pass constitutional muster and put every head shop in North Carolina out of business.

For those youngsters who get into trouble, I will work hard to develop community-based alternatives to incarceration and better treatment for severe emotional disturbances.

Let me talk to you now about what I believe is the most important idea to prevent crime that I have ever discussed with this legislature.

Over the last two years, I have led the National Governors Association's search for the best ways to prevent crime. I believe we have found it. And I intend to devote my crime-fighting efforts in the remainder of my four-year term to this cause.

It is the matching-up of caring adult volunteers with young people who either have committed their first crime or appear headed for it. Right then, **before** they become criminals, we have got to help them.

The help they need is a real friend, someone who will spend time with them, help them work out their problems, encourage their school work, help them develop self-esteem, and help them get a job if they want to work.

They often come from broken homes. Many were abused children. Most of them never had a chance.

They need someone who will do what a good parent does.

Probation and parole officers work with hundreds of young people in trouble. District Court judges and court counselors see dozens come before them.

They know what kind of help these kids need, and they know they're not getting enough.

So what are we going to do about it? I suggest that thousands of us can do something about it by volunteering to help a kid who needs help.

Yes, it would take some time—as much time as some of us spend each week running or watching a couple of basketball games.

It's not easy to know how to do that. Most people don't feel right just walking into the courthouse and searching for somebody to tell them how to help.

That is where those of us in the executive and judicial branches can help. We can show local people how to organize a good, sound program that will match up an adult with a young person and give both of them the support they will need in the months and years ahead.

That means pulling together support from citizens, judges, court counselors and educators.

This approach is being tried by the Volunteers to the Court program in Hertford and Guilford Counties and the Partners program in Wake County. Across the nation, whatever you call it—"Partners," "Friends," "Big Brother/Big Sister"—it works, if it's done right.

To help us, I have recruited the man who established the "Friends" program in Concord, New Hampshire, perhaps the most successful program in the country. In that program the adult volunteers and youngsters spend an average of eleven hours per week together. How many of us spend that much time with our own children?

Our goal will be to establish a program like that in each of our 100 counties over the next four years. We will strive to match up every single youngster in trouble with the law with an adult who will love him and help him become a law-abiding and useful citizen.

This is not a government program. Very little, if any, State money will be involved in it. And I ask you for none tonight. Rather, it is a people program. It will need an outpouring of help from the churches of our State, the Jaycees and other helping groups. I appeal to the good citizens of our State to join in this state-wide crusade.

These young people, and this approach to crime prevention, require leadership at the highest level.

One of the great problems we face in helping them is a fragmentation of services. Many agencies and many people work with youngsters—the schools, the courts, law enforcement officers, training schools, mental institutions. We at the State level need to pull all of these together into a working team.

I am announcing to you tonight the formation of the Governor's Executive Cabinet on Juveniles. I will personally chair this group, and it will meet monthly.

I have asked the Chief Justice, the Attorney General, the Superintendent of Public Instruction, the Secretary of Human Resources, the Secretary of Correction, the Secretary of Crime Control and Public Safety, the Chairman of the Crime Commission and the Chairman of the Courts Commission to serve on it.

It will be our responsibility to sit down together every month and take a hard look at how good a job the agencies under us are doing. And to get citizens involved.

If we aren't satisfied—and we should never be satisfied—each of us will be responsible for going back and talking to the people, whoever they may be—who can make a difference.

We will use all the powers we have—hiring and firing, the budget and just plain persuasion—to see that we do a better job.

CONCLUSION

I would conclude my message tonight by making this appeal to the people of North Carolina.

I appeal to you to learn what you can do for the young people in your communities.

I appeal to you to volunteer to develop a one-on-one relationship that will save a kid and bring more meaning to your own life.

Love and caring can do more to prevent crime than jails and courtrooms.

If we lose our war against crime, the blame would not rest on the law enforcement officers here tonight, or thousands more working across our State, or the judges or the district attorneys.

The blame would rest on all of us who fail to act and fail to help.

The right to be safe is fundamental in our society.

And it carries with it a responsibility—a responsibility to be involved and to help bring about justice.

- Justice for the victim, in the form of comfort and assistance.
- Justice for the youngster headed wrong, guidance and understanding.
- Justice for the criminal, swift and sure.

I ask the people of North Carolina: What will you do to bring about justice?

You can save someone's life. You can give them a future. You can make a difference.

And, in doing so, you can make North Carolina a safer place to live—for you, for your family, for your neighbors, for five million eight hundred thousand people.

Two weeks ago, I proposed a strategy for North Carolina's future. I said we can build our economy and provide greater opportunities for every single person. And I said we could help our people become successful citizens.

But we cannot walk into that bright future if we cannot walk safely on our streets.

We cannot dream great dreams if our children turn to drugs and stealing as a way of life.

We cannot let criminals tear down what we build.

Let us resolve tonight, all of us, to guarantee for all North Carolinians the most important freedom—the freedom from fear.

February 6, 1981

JOINT STATEMENT

BY

**LIEUTENANT GOVERNOR JAMES C. GREEN AND HOUSE SPEAKER
LISTON RAMSEY**

We have just appointed in our respective legislative bodies a Select Committee on the Department of Transportation.

The function of the Select Committees will be to review the operations of the North Carolina Department of Transportation from the standpoint of efficiency, economy and adherence to State budgetary procedures and regulations. Such a review is entirely appropriate in light of the budgetary squeeze in which the Department finds itself and for which this General Assembly is seeking a solution.

The Select Committees will not be investigative bodies but will concern themselves with reviewing matters that may possibly have a bearing on the efficient and economical operation of the Department of Transportation. The Department of Justice will continue to have responsibility for investigating any allegations arising from the highway bidding system or other circumstances which may arise for which an investigation is warranted.

The House Committee will be chaired by Representative Allen C. Barbee of Nash County, House Speaker Pro Tem. Serving with him will be Representatives Martin L. Nesbitt of Buncombe, Paul Pulley, Jr. of Durham, LeRoy Spoon, Jr. of Mecklenburg and Dennis A. Wicker of Lee.

The Senate Committee will be chaired by Senator Marshall A. Rauch of Gaston County. Serving with him will be Senators Gilbert Boger of Davie, Craig Lawing of Mecklenburg, Sam R. Noble of Robeson and R. P. Thomas of Henderson.

The Committees will work jointly and report their findings, and recommendations, if any, to the following:

Rep. Al Adams, Chairman of the House Appropriations Base Budget Committee.

Rep. William T. Watkins, Chairman of the House Appropriations Expansion Budget Committee.

Representative Aaron Plyler, Chairman of the House Appropriations Base Budget Committee on Natural and Economic Resources.

Rep. Don Beard, Chairman of the House Appropriations Expansion Budget Committee on Natural and Economic Resources.

Sen. Harold Hardison, Chairman of the Senate Appropriations Committee.

Sen. Robert Jordan, Chairman of the Senate Base Budget Committee, and

Senator Dallas Alford, Chairman of the Senate Appropriations Committee on Natural and Economic Resources.

April 13, 1981

A CEREMONIAL CONVENING OF THE SENATE AND HOUSE OF REPRESENTATIVES SITTING IN JOINT SESSION IN THE RESTORED HISTORIC CHAMBER OF THE HOUSE OF REPRESENTATIVES IN THE CAPITOL.

The following invitation is received by the Senate:

INVITATION

The North Carolina Department of Cultural Resources

Division of Archives and History

and

The State Capitol Foundation, Inc.

Cordially invite you to attend a ceremonial joint session of the North Carolina General Assembly in the State Capitol in recognition of the Sir Walter Cabinet and others for their contributions to the refurbishing of the old State Library Room in the Capitol to its 1850s appearance

at

7:00 P.M. Monday

April 13, 1981

Followed at 7:20 P.M. by a brief ribbon-cutting ceremony opening the State Library Room for public touring and by a reception in the Capitol rotunda, hosted by Capital Landmarks, Inc. of Raleigh.

The Senate and House of Representatives convene in Joint Session in the House Chamber of the State Capitol.

The Honorable James C. Green, Lieutenant Governor, calls the Joint Session to order.

The Reverend Claude Godwin, Chaplain of the Senate, offers the following prayer:

"Heavenly Father, as we gather in this historic room, we are acutely conscious of those who have gone before us in this place, giving of their time and talents for the good of the people of North Carolina. We remember the sacrifices of those who dared to dream about freedom, justice, and equality of opportunity for all people. We are thankful for those who were brave to raise their voices in a cry for freedom, and for

those who give their lives on the world's battlefields for the preservation of liberty. Help us to do more than merely commemorate their lives; help us to learn from them, and to draw strength from them, and to emulate them, to the end that the blessings of liberty may belong forever to our posterity. Amen."

The President of the Senate offers brief remarks about the custom of the General Assembly to meet once each Session in the Capitol.

The Speaker of the House of Representatives offers brief remarks about the restoration and refurbishing of the Capitol.

The Secretary of Cultural Resources, Mrs. Sara W. Hodgkins, offers brief remarks about the history and restoration of the State Library Room in the State Capitol.

On motion of Senator Lawing, seconded by Representative Barbee, the Joint Session is adjourned.

April 28, 1981

ADDRESS TO THE GENERAL ASSEMBLY ON HIGHWAY NEEDS BY THE HONORABLE JAMES B. HUNT, JR., GOVERNOR OF THE STATE OF NORTH CAROLINA.

Last night, I went on statewide television to talk with the people of North Carolina about our roads—and our future.

My speech to you today will not be a rerun.

You have been in session for more than three months. You know what the problem is.

Today, I want to explain my proposal to you—how I propose we obtain additional revenues and how I plan to assure the wise and efficient use of that money.

But, more than that, I want to talk to you about the responsibility that you and I have together—to act, to face up to this problem and to do what has to be done for North Carolina's future.

When I delivered my State of the State address to you in January, I said that we should begin our deliberations with this question: What can we do this year—as Governor and as members of the General Assembly—to help North Carolinians in a time of economic hardship?

That is the question here today.

I also said then that our agenda this year should be opening the doors of economic opportunity to all North Carolinians and making it possible for everyone who lives in this State to earn a good living and provide adequately for their families.

That is our agenda here today.

If we fail to act responsibly this year to protect our investment in our roads and highways, we have failed in our responsibility, and North Carolinians will pay the price for years to come.

They will pay the price in lost industry, lost jobs, lost income, lost opportunities.

They will pay the price in lost travel business—an industry that brought our people \$2.3 billion in income last year.

They will pay the price in damage to their own cars and trucks in higher repair bills.

Worst of all, they will pay the price in human beings killed and maimed on the highways.

That is the price the people will pay if we fail them this year. We must not fail them.

Over the years, North Carolina has built the reputation as "the good roads State." And for good reason.

But it wasn't always that way. At the turn of the century, Governor Glenn said that North Carolina's greatest handicaps were ignorance and muddy roads.

We pulled our State out of ignorance by building a strong system of public schools, community colleges and great universities.

And we pulled our State out of the mud by building 76,000 miles of roads and highways—enough to circle the Earth at the Equator three times.

It's the largest State road system in the nation. Many States pay part of their road costs through county property taxes. But we built and we maintain our roads totally through State revenues, primarily from the gasoline tax.

And we have built our economy on those 76,000 miles of roads.

Without those roads and highways, we could not have enjoyed the record economic growth of recent years—the \$8 billion worth of industrial investment announced in the last four years and the 120,000 new manufacturing jobs.

Good roads helped us attract Philip Morris to Cabarrus County, Campbell Soup to Robeson County, IBM to Charlotte, Rockwell to Henderson County, GKN plants to Lee and Alamance Counties, General Electric to the Research Triangle and Cummins-Case to Nash County.

We cannot afford to lose the competitive edge our roads give us. We see what has happened in our nation's Northeast, where the roads are crumbling and where industries are closing down and moving away. Many of them are coming here. North Carolina cannot afford to go down that same road.

That is why the decision we make this year will be critical. Our roads and highways are in good shape today, because we've done a good job keeping them up in the past.

But we're just starting to see and feel the cracks, the little holes that become big potholes and the crumbling shoulders.

For more than a year, our situation was studied by the Blue-Ribbon Commission chaired by former Governor and Supreme Court Justice Dan K. Moore. I urge you to read their report carefully.

His Commission found that our highway revenues have been going down recently about 5 percent a year, while the cost of maintenance and construction has gone up as high as 20 percent in some years.

The result? We have fallen behind on our resurfacing. Governor Moore's Commission concluded that we need to resurface at least 2,600 miles each year to keep up with normal wear and tear. In recent years, we have been doing 1,300 miles. This year, we can only afford to do 740 miles.

So, when his Commission completed its work, Governor Moore wrote in an open letter to all North Carolinians that "we must make a major investment in resurfacing and maintaining our highways or we will face a major and unprecedented expense of highway rebuilding in the near future."

The Moore Commission, which included members of this General Assembly, did an excellent job. I am guided largely by their thorough and expert findings.

What I recommend to you today is a **minimum** program—one required of us as good stewards.

If we do not act this year, we will face a difficult choice between stopping **all** construction on projects in the Seven-Year Plan or falling farther and farther behind on maintenance, leading ultimately to the ruin of our system.

Here is what I suggest we do.

First, we need an additional \$247 million over the biennium to return to a regular resurfacing schedule of 2,600 miles a year and to catch up on what we haven't been able to do in recent years. To catch up, we need to do an extra 1,000 miles each of the next five years.

Second, we must replace or repair many bridges. More than half of our 16,000 bridges today cannot support the legal weight limit. More than 4,000 cannot support the weight of a loaded school bus.

Third, we need an additional \$18 million to match our share of federal aid funds for the construction of essential primary highways. North Carolina used to be a "donor" State—sending more gas tax dollars to Washington than it got back. We have reversed that situation in the last four years, and now we get back more than we put in. We must continue to get our fair share.

Fourth, we need an additional \$93 million for some badly needed improvements on some smaller secondary roads and for access roads to new industry. Without some safety improvements, certain roads in our State will continue to cause accidents, injuries and deaths.

Fifth, we must provide adequate support to our airports, bus systems and ferries. They are all a part of our modern transportation system.

We will provide \$40 million for the cities, \$11 million more than they are now receiving. An equal amount will be earmarked for secondary roads.

That minimum program will require a little over \$200 million in revenue next year.

But, before I ask you to provide that revenue and before we ask our people to pay it, we must give them a guarantee.

It is apparent that the taxpayers of this State have been cheated for decades by bid-rigging. Those involved are being indicted, prosecuted and punished. We will fire any State employee who was involved.

But we need stronger laws to prevent it from ever happening again.

Earlier this year, the Attorney General and I proposed legislation that would give North Carolina one of the toughest laws in the nation against bid-rigging.

This law would make bid-rigging of any kind a felony, punishable by 10 years in prison. It would prohibit State employees from receiving anything of value from anyone doing business with the State.

It's tough, and it's right. And I urge you to pass it just as soon as possible.

Now, here is how I recommend we obtain the revenue we need.

The first source of that money should be savings in the operation of the Department of Transportation. This General Assembly's Select Committee on Transportation has made many good suggestions, and I appreciate their work.

That Department and Secretary Tom Bradshaw have already made changes over the past four years that are saving the taxpayers of this State millions of dollars each year:

—The Department of Transportation has 1,000 fewer positions than it did four years ago and that saves \$14.5 million each year.

—The Department has 4,000 fewer pieces of equipment than it did four years ago.

—And the Department is burning three million gallons of gasoline less each year.

That is a good record. But we need to do more.

I have directed the Department to take a number of additional new steps. The Board of Transportation will reevaluate the need for every project in the Seven-Year Plan that is not already new construction. Medians and right-of-way will be narrower. We will double the number of prisoners working on the roads. We will reduce the number of people in State maintenance crews.

I believe these steps can save \$20 million a year.

I also recommend that you put revenues from the sales tax on automobile parts and accessories into the Highway Fund. That will give us \$59 million. To replace that money in the General Fund, I will recommend a 50 percent increase in the tax on alcoholic beverages, a severance tax on minerals mined in our State and a sales tax on vacation homes that are rented out for less than 90 days.

Trucks should be paying more, and I recommend that you increase their license costs and impose a special charge on overweight and oversized loads. We have a great trucking industry in North Carolina, and I know they expect to pay their fair share. This would give us \$16.9 million.

I recommend that you increase the cost of drivers' licenses, which are renewed only every four years, to \$10 and the cost of chauffeurs' licenses to \$15. This would give us \$14.5 million.

I recommend that you increase various miscellaneous fees in the Division of Motor Vehicles. This will give us \$7.4 million.

I recommend that you obtain the remaining \$90 million that we need by increasing the gasoline tax by 3 cents per gallon.

But, as I said in my address to the people last night, I recommend that you do it in a way that will not increase the cost of living for the average North Carolinian, but will put the burden on those who use the roads the most.

I propose that we allow an income tax credit for the three cents extra paid up to a maximum of 750 gallons of gasoline for necessary personal driving.

Those 750 gallons, in a car that gets 16 miles per gallon, would take you 12,000 miles. That is about what the average family drives in a year, for going to work, taking kids to school and shopping.

By filling out a simple form on their income taxes, people could claim a credit of up to \$22.50—the same amount this tax increase would cost them at the pump each year.

I want to commend Senator Kenneth Royall for developing this approach. It meets the twin objectives of providing additional highway revenue and putting the burden on trucks, business vehicles and out-of-state travelers.

I think this approach is reasonable, fair and affordable.

It is consistent with the General Assembly's concern not to raise the cost of living for the average taxpayer. In fact, in 1979 you provided a tax cut for our people by increasing all exemptions and the standard deduction on State income taxes by 10 percent and increasing dependents exemptions from \$600 to \$800 each. During the eight years that I have had the privilege of working with you as Lieutenant Governor and Governor, this General Assembly has passed no tax increases.

This minimum package of revenues for our roads is also appropriate in a year of lean budgets and spending restraints which you have worked on so hard. You have already cut the continuation budget after close and careful scrutiny, and the expansion budget which I recommended to you for next year does something that not even President Reagan proposes to do in Washington: It actually reduces the number of State employees.

The operations of the Department of Transportation must reflect that same hard-nosed approach to efficiency. In addition to the items of savings that I mentioned earlier, there are other good recommendations in the 29-point report prepared by the Select Committee of the General Assembly which studied the Department of Transportation. Others have come from the Appropriations Committees. We are beginning to implement some of them already and I promise you that we will carry through every single one of them from which real savings and better management can emerge. And I will devote more of my time as Governor in helping see that that massive Department does even more to operate efficiently.

In particular, we will make an all-out effort to do two things: First, to see that work crews doing maintenance or construction contain the minimum number of personnel needed, and that all of them are working. Second, to get every prisoner in our system that we possibly can "working on the roads." They will have to be identified, and we must take adequate security precautions. But I don't want a single idle prisoner in the corrections system of North Carolina on any day when it is possible to have him working on the roads—for his benefit and to help pay his debt to society.

This year, I have not presented you with a lengthy legislative program. But I have proposed—and you have proposed as members of this General Assembly—legislation that is critical for North Carolina's economic future. And it all fits together: legislation that affects taxes and our business climate, funds for better technical education and to prevent "drop-outs," encouragement for energy conservation and alternatives, safe management of hazardous wastes, high technology research and development. But money to keep our good road system is the most important step we will take, by far.

The *Wall Street Journal* recently surveyed 1,200 experts across the nation who are involved in the location of industrial plants. That newspaper asked them to rank the importance of various factors in site selection. "Highway Transportation Facilities" ranked **third**, behind only the availability of labor and a reliable energy supply.

You and I are fortunate to be leading North Carolina together at a time I believe is one of the best in our history. The magazine, *Nation's Business*, recently cited North Carolina as one of the top three States in America in which for industry to locate. I believe we can be "Number One." What we do this year on our roads will determine that more than anything else.

Over many decades, this General Assembly has had two great hallmarks: a commitment to fiscal responsibility, and a commitment to economic growth.

I ask you to reaffirm that commitment this year, by protecting our investment in North Carolina's highways and North Carolina's future.

S. B. 554

June 2, 1981

REMARKS BY SENATOR LAWING (See page 536 Senate Journal)

"I would like for the record to show, Ms. Clerk, that there's nobody within the sound of my voice here today or anywhere in the State of North Carolina that despises to pay tax or insurance any more than I do, and I'm an insurance man. But there comes a time when we must do things that we don't want to do."

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Gayle Battley	Rauch	Redistricting-Senate
Pat Benton	Raynor	Law Enforcement & Crime Control
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Ruth Holmes	Lawing	Rules & Operation of the Senate
Carolyn Honeycutt	Barnes	State Government
Pat House	Alford	Appropriations on Natural & Economic Resources

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Linda Witkowski	Mathis	Insurance
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Co-Sponsor	18, 24, 25, 29, 30, 42, 46, 71, 76, 92, 93, 96, 98, 119, 123, 156, 159, 175, 224, 225, 292, 355, 357, 362, 387, 409, 428, 429, 430, 432, 439, 442, 449, 476, 480, 497, 566, 567, 570, 586, 592, 593, 612, 648, 667, 689, 702.

Ward, Marvin—Senator**Forsyth**—20th District

Adjournment Motion	395.
Committees: Assignments	13, 14, 17, 18, 22, 24, 25, 28, 29, 30, 36.
Chairman: Appropriations on Justice and Public Safety	14.
Conference: SB 87	771, 820.
Oath of Office	6, 7.
Prayer	141, 476.
Bills and Resolutions—(Assigned Numbers)	
Primary Sponsor	55, 92, 93, 296, 297, 309, 397, 480, 486, 584, 602, 683, 701.
Co-Sponsor	18, 25, 29, 30, 42, 71, 76, 78, 96, 98, 119, 123, 128, 157, 159, 175, 177, 225, 233, 292, 383, 403, 442, 443, 497, 501, 509, 532, 567, 570, 574, 593, 609, 612, 626, 648, 666, 688, 702, 713, 772.

Warrants—see also Criminal Procedure

Payment Deadline Repeal/State Warrants

H 451 (Ch. 302)	318, 365, 376, 394.
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Warren County—District 7—Senator Dallas L. Alford, Jr.

Senator James D. Speed

Condemnation, Consent	
S 685 (Ch. 941)	608, 626, 644, 724, 759, 762, 781, 821, 835, 850.
Henderson/Firemen's Benefits Increased	
H 59 (Ch. 111)	85, 191, 197, 209.
Person's Ordinary Restoration Funds	
S 378 (H 672) (Appr Com)	252.

Warren, Robert D.—Senator**Johnston, Sampson**—9th District

Committees: Assignments	13, 14, 16, 18, 23, 28, 29, 30.
Conference: SB 306	442, 634.
SB 658	840, 862.
Journal Approval	101, 563.
Oath of Office	6, 7.
Bills and Resolutions—(Assigned Numbers)	
Primary Sponsor	287, 288, 301, 306, 307, 350, 363, 387, 458, 487, 537, 765, 767, 768, 777.
Co-Sponsor	18, 25, 69, 71, 76, 92, 93, 111, 123, 127, 128, 157, 159, 175, 177, 178, 198, 225, 235, 236, 237, 238, 246, 263, 286, 292, 313, 348, 356, 362, 402, 403, 432, 442, 443, 451, 480, 485, 496, 567, 572, 574, 612, 648, 652, 688, 702.

Washington County—District 1—Senator Melvin R. Daniels, Jr.

Senator J. J. Harrington

Plymouth Auto Tax Raised

H 1307 (Ch. 858) 738, 766, 791, 804, 806.

Waste—see Public Health**Watauga County**—District 24—Senator Harold A. Baker

Senator Donald R. Kincaid

Beech Mountain Incorporation

S 257 177, 190, 197, 208, 317, 328, 334, 346.

Beech Mountain Sanitary District

S 247 (Loc Gov Com)..... 171.

H 422 (Ch. 171)..... 229, 242, 254, 261.

Industrial Development

H 1381 (Ch. 942) 836, 851.

Road Salting Referendum

S 580 (Trans Com) 473.

Water and Sewer—see Public Health**Watershed**—see Public Health**Wayne County**—District 8—Senator Henson P. Barnes

Eureka Elections

H 233 (Ch. 70)..... 119, 129, 136, 140.

Fox Hunting Limited

H 1087 (Ch. 697)..... 661, 681, 705, 715.

Goldsboro

Farmer's Market Funds

S 425 (Appr Com) 284.

Farmer's Market Property

H 379 (Ch. 122)..... 178, 191, 199, 210.

Goldsboro/Fremont Parking Penalty

H 525 (Ch. 314) 328, 363, 376, 385, 394.

School Expenditures

H 888 (Ch. 443) 422, 472, 481, 489, 495.

Weapons—see Criminal Law; Wildlife**Weights and Measures**

Public Weighmaster Amendments

H 879 (Ch. 607) 498, 532, 607, 621, 630, 648.

Welfare—see Social Services**White, Vernon E.**—Senator

Edgecombe, Halifax, Martin,

Pitt—6th District

Absent With Leave 34, 48, 63, 295, 299, 406.

Adjournment Motion 48, 81, 136, 203, 295, 350, 530, 657, 848.

Committees: Assignments 13, 14, 18, 19, 29, 31, 36.

Chairman: Agriculture 13.

Oath of Office 6, 7.

Point of Personal Privilege 26.

Votes Excused 126, 212, 507, 508, 741.

Bills and Resolutions—(Assigned Numbers)

Primary Sponsor 111, 175, 181, 182, 183, 184, 197, 198, 199,

200, 201, 235, 236, 237, 238, 246, 356, 378,

496, 636, 714, 787, 790.

White, Vernon E. (continued)

Bills and Resolutions (continued)

Co-Sponsor	25, 29, 30, 42, 71, 76, 78, 106, 127, 156, 157, 178, 225, 285, 286, 299, 305, 318, 348, 350, 357, 362, 364, 370, 371, 387, 395, 396, 402, 403, 404, 410, 424, 432, 442, 464, 485, 501, 509, 566, 568, 570, 593, 595, 609, 626, 648, 699, 702, 713, 772.
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Widows—see also Child Welfare; Estates

Allowance Raised—Spouse/Child

H 506 (Ch. 413)	422, 446, 458, 465.
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Wildlife—see also Natural and Economic Resources; Individual County

Appeals from County Game Commission

H 896 (Ch. 444)	423, 470, 488, 495.
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Boats

Permanent No./Govt. Owned

S 110 (Ch. 162)	75, 166, 172, 247.
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Cougar Captivity License

H 1115 (Ch. 575)	567, 588, 603, 613.
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Deer Harvest Controlled

H 1030 (Ch. 681)	567, 587, 615, 631, 647, 708.
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Endowment Fund

S 433 (Ch. 482)	292, 301, 325, 335, 360, 362, 393, 399, 498, 509, 515, 525.
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Fox Harvesting—Local Request

H 713 (reref Appr Com)	296, 324, 838, 855, 856.
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Hunter Orange Clothing Requirement

H 235 (N&ER Com)	797.
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Migratory Waterfowl/License

S 484 (N&ER Com)	348.
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Registered Property

S 686 (reref Fin Com)	608, 626.
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H 1235 (Ch. 854)	688, 733, 766, 789, 803, 805.
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License Changes, Technical

H 1031 (Ch. 620)	557, 587, 615, 631, 647, 657.
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License Suspensions by Courts/Commission

H 495 (Ch. 424)	246, 301, 467, 475, 482.
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Sea Turtle Protection Extended

H 1273 (Ch. 873)	755, 783, 814, 831.
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Trap Chains Restriction Altered

H 1183 (Ch. 729)	641, 681, 706, 728.
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Trapping/Fur Dealer License Fees

S 682 (H reref Fin Com)	607, 766, 787, 801.
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Warning Tickets/Game Offense

H 517 (Ch. 252)	309, 326, 336, 346.
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Wilkes County—District 24—Senator Harold A. Baker

Senator Donald R. Kincaid

Clerks of Court—2, Additional

S 61 (reref Appr)	49, 636.
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Fox Hunting

S 265 (reref Appr Com)	182, 587.
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Wilkes County (continued)

North Wilkesboro Firemen's Pension

H 309 (Ch. 287)..... 358, 364, 375, 388.

School Board Land Transfer

H 467 (Ch. 173)..... 229, 242, 255, 261.

Spotlighting Deer Prohibited

S 170 (Ch. 410) 118, 216, 224, 448, 457, 464.

Wills—see also Estates

Charitable Trust Law Amended

H 981 (Ch. 546)..... 541, 571, 585, 596.

Living Will Amendments

H 1191 (Ch. 848)..... 628, 697, 719, 736, 774, 805.

Wilson County—District 7—Senator Dallas L. Alford, Jr.

Senator James D. Speed

Town Creek Indian Mound Funds

S 522 (Appr Com) 409.

UDAG Grants

H 10 (Ch. 11) 50, 59, 67, 69, 72.

Withheld Tax—see Taxation**Witness**—see Criminal Procedure; Civil Procedure; Criminal Law**Women**

Council on Status, Name Change

S 159 (Economy Com)..... 109.

Work Option—see State Personnel**Workers' Compensation**—see Insurance**Wright, J. A. (Chip)**—Senator

New Hanover, Pender—4th District

Absent With Leave 20, 311, 316.

Committees: Assignments 18, 19, 22, 25, 27, 28, 30.

Oath of Office 6, 7.

Votes Excused 9.

Bills and Resolutions—(Assigned Numbers)

Primary Sponsor..... 44, 85, 186, 189, 191, 223, 293, 343, 344,
345, 346, 347, 466, 492, 504.

Bills and Resolutions (continued)

Co-Sponsor 2, 10, 12, 58, 63, 76, 77, 93, 138, 157,
194, 195, 202, 220, 225, 232, 258, 272, 284,
285, 286, 288, 291, 292, 295, 313, 320, 329,
357, 393, 419, 420, 431, 450, 451, 470, 480,
519, 523, 559, 574, 595, 614, 624, 625, 662,
680, 688, 724, 743.**Wynne, Robert W.**—Senator

Harnett, Lee, Wake—14th District

Absent With Leave 203, 210, 215, 219, 431, 537, 545, 555, 807.

Adjournment Motion 130, 465, 693.

Committees: Assignments..... 13, 16, 19, 22, 23, 28, 29, 35, 36.

Chairman: Higher Education..... 22.

Conference: SB 40..... 673, 748.

HB 169 724, 733.

Nomination: Reading Clerk..... 10.

Oath of Office 6, 7.

Bills and Resolutions—(Assigned Numbers)

Primary Sponsor 112, 289, 385, 386, 422, 423, 461, 468,
509, 544, 545, 546, 563, 579, 620, 738, 755.

Wynne, Robert W. (continued)

Bills and Resolutions (continued)

Co-Sponsor	2, 8, 34, 37, 38, 39, 40, 71, 76, 92, 105,
	119, 121, 128, 157, 159, 175, 177, 195, 284,
	335, 336, 402, 439, 442, 443, 488, 493, 497,
	532, 566, 570, 593, 609, 628, 651, 673, 688,
	702, 713.

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Yadkin County—District 23—Senator T. Cass Ballenger

Senator William W. Redman, Jr.

Sheriff Vacancy

S 640 (Ch. 708)	556, 597, 611, 714.
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Sheriff Vacancy/Court Clerk Appt.

S 14 (Ch. 199)	33, 44, 47, 194, 206, 294.
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Yancey County—District 26—Senator James McClure Clarke

Senator Robert S. Swain

Youth—see also Child Welfare; Judicial

Commission Appointments

H 1350 (St Gov Com)	812.
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Deferred Prosecution Program

S 570 (Ch. 929)	461, 824, 849.
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Wage and Hour Act

S 388 (H 738) (Ch. 489)	258, 467, 486, 537.
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Youth Services Advisory Com. Abolished

S 81 (Ch. 50)	61, 81, 86, 116.
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Zoning—see Local Government**Zoo**

Admission Fees Set by Council

S 226 (Ch. 278)	145, 216, 224, 360.
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**JOURNAL
OF
THE SENATE
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF NORTH CAROLINA**

**EXTRA SESSION
1981**

JOURNAL
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GENERAL ASSEMBLY
OF THE
STATE OF NORTH CAROLINA

EXTRA SESSION
1891

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OF
THE SENATE OF NORTH CAROLINA
1981 GENERAL ASSEMBLY
EXTRA SESSION 1981**

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LEROY CLARK, JR., Reading Clerk Wendell
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	JOE B. RAYNOR.....	Fayetteville
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	RUSSELL WALKER.....	Asheboro
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19	HENRY E. FRYE.....	Greensboro
	RACHEL G. GRAY.....	High Point
	WALTER C. COCKERHAM.....	Greensboro
20	MARVIN WARD.....	Winston-Salem
	JOHN J. CAVANAGH, JR.....	Winston-Salem
21	GILBERT LEE BOGER.....	Mocksville
	PAUL S. SMITH.....	Salisbury
22	CECIL R. JENKINS, JR.....	Kannapolis
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	JAMES D. McDUFFIE.....	Charlotte
23	T. CASS BALLENGER.....	Hickory
	WILLIAM W. REDMAN, JR.....	Statesville
24	HAROLD A. BAKER.....	Millers Creek
	DONALD R. KINCAID.....	Lenoir
25	OLLIE HARRIS.....	Kings Mountain
	HELEN RHYNE MARVIN.....	Gastonia
	MARSHALL A. RAUCH.....	Gastonia
26	JAMES McCLURE CLARKE.....	Fairview
	ROBERT S. SWAIN.....	Asheville
27	JOE H. PALMER.....	Clyde
	R. P. THOMAS.....	Hendersonville

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W. CLARK LAYNE, President Pro Tempore
REYNOLDS C. BOYD, JR., Speaker
EDWIN M. FARR, President of the Senate
LEWIS C. CLARK, JR., Secretary
JEROME B. PEARSON, Sergeant at Arms

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3	WILLIAM E. THOMAS
4	W. D. SMITH
5	J. A. WRIGHT
6	HAROLD W. HARRISON
7	EDWIN B. WILSON
8	FERDINAND E. WHITE
9	HAROLD L. ELLISON
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16	WILLIAM E. SMITH
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100	LEWIS C. CLARK, JR.

SENATE JOURNAL EXTRA SESSION 1981

FIRST DAY

SENATE CHAMBER,
Monday, October 5, 1981

In accordance with law, as set forth in the Constitution of the State of North Carolina, and pursuant to the Joint Proclamation issued September 17, 1981, upon the receipt of written requests of three-fifths of all the members of the Senate and House of Representatives, the Senate of the North Carolina General Assembly convenes in Extra Session at the hour of 10:00 A.M. in the Senate Chamber of the State Legislative Building in the City of Raleigh.

The Honorable James C. Green, Lieutenant Governor, presides and calls the Senate to order.

Prayer is offered by the Reverend Allen Proctor, Pastor of St. Barnabas Presbyterian Church, Raleigh, as follows:

"Almighty God and Father of our Lord, Jesus Christ, on this day that You have given to us, we bow before You as Creator of our world and as the One in whom we each live and move and have our being. We call upon You this morning, asking for an extra measure of Your grace; asking that You might forgive us when we take ourselves too seriously, or when we fail to take seriously enough the responsibilities You have placed in our hands. We ask for Your strength, that we might have the courage to live and to work for those things which we know to be true through Jesus of Nazareth: where there is injustice, to bring justice; where there is self-interest, to bring mercy; where there is hate, to bring peace. To accomplish these great things, we find that alone, we are too small and weak. Therefore, may these things come to pass by the power of Your Spirit, Who is at work within us, and in whose care we place our very lives. For we pray in the Name and for the sake of Jesus Christ, our Lord. Amen."

Led by the Lieutenant Governor, the Senators and guests remain standing and pledge their allegiance to the United States of America.

The President lays before the Senate the Joint Proclamation of the President of the Senate and the Speaker of the House of Representatives, issued September 17, 1981, as follows:

JOINT PROCLAMATION TO CONVENE THE GENERAL ASSEMBLY OF NORTH CAROLINA IN EXTRA SESSION

WHEREAS, Article II, Section 11(2) of the Constitution of North Carolina authorizes and requires the Speaker of the House of Representatives and the President of the Senate to convene the General Assembly in extra session by joint proclamation upon receipt of written requests signed by three-fifths of all members of the House of Representatives and the Senate, and

October 5, 1981

WHEREAS, the President of the Senate and the Speaker of the House of Representatives has each received written requests from three-fifths of all the members of the House of Representatives and the Senate,

NOW, THEREFORE, the Speaker of the House of Representatives and the President of the Senate do hereby proclaim that the General Assembly of North Carolina shall convene in extra session in the City of Raleigh, North Carolina in the State Legislative Building at 10:00 o'clock a.m. on Monday, October 5, 1981 to consider bills directly affecting the State budget, bills concerning the organization or operation of the extra session, bills relating to pensions and retirement matters, and local bills relating to redistricting for boards having tax levying authority or concerning the sale and disposition of property.

A copy of the Proclamation shall be delivered to each member of the House of Representatives, and the Senate, and a copy to the Governor of North Carolina and the Secretary of State.

Issued this the 17th day of September, 1981.

S/ JAMES C. GREEN
President of the Senate

S/ LISTON B. RAMSEY
Speaker of the House of Representatives

The President of the Senate announces that the written petitions from forty-six Senators and one hundred fourteen Representatives are on file in the offices of the Principal Clerks of the Senate and House of Representatives where they shall remain for a period of two years, and then be transferred to the Department of Archives and History, according to law, as follows:

Senators Alford, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 46.

Representatives Adams, Allran, Almond, Anderson, Barbee, Barker, Barnes, Beam, Beard, Bell, Black, Bone, Brannan, Brawley, Brennan, Brown, Brubaker, Bumgardner, Bundy, Burnley, Chapin, Church, D. Clark, W. Clark, Coble, Cochrane, Colton, Cook, Craven, Crawford, Creecy, Diamont, Easterling, Economos, Edwards, Ellis, Enloe, Bob Etheridge, Bruce Ethridge, Evans, Fenner, Foster, Fulcher, Fussell, Gay, Gillam, Grady, Greenwood, Guy, Hackney, Harrison, Haworth, Hayden, Helms, Hiatt, Hightower, Holmes, B. Holt, C. Holt, C. Hughes, J. Hughes, J. Hunt, P. Hunt, R. Hunter, T. Hunter, Huskins, Hux, James, Jones, Jordan, Keese, Lacey, Lancaster, Ligon, Lilley, Lutz, McAlister, McDowell, Mauney, Mavretic, Messer, Miller, Morgan, Musselwhite, Nash, Nesbitt, Nye, Parnell, Payne, Plyler, Poovey, Pulley, Quinn, Rabon, Radford, Ramsey, Redding, F. Rhodes, Robinson, Seymour, Smith, Spaulding, Stamey, Tally, Taylor, Tennille, Thomas, B. Tison, H. Tyson, Warren, Watkins, Wick-er, Woodard, and Wright — 114.

October 5, 1981

The roll of the members of the Senate heretofore elected for the term of office beginning with the 1981 Regular Session, having properly received and subscribed to the oath of office, is called and the following answer the call:

Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 49.

The President announces a quorum of all Senators present.

The President grants a leave of absence to Senator Jernigan for today.

The President addresses the Senate relative to the procedures of this Extra Session (See Appendix).

ADOPTION OF RULES

Senator Lawing offers a motion that the Senate adopt the permanent rules of the 1981 First Session and the provisions contained in the Proclamation issued September 17, 1981, as the rules governing this Extra Session of the General Assembly convened this day, October 5, 1981, which motion prevails.

APPOINTMENT OF COMMITTEES

The President announces that the Standing and Select Committees of the Senate appointed during the 1981 First Session are hereby appointed to serve during this Extra Session of 1981.

The President orders a special message sent to the House of Representatives informing that Honorable Body that the Senate is organized and ready to proceed with the public business of this Extra Session.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

HOUSE OF REPRESENTATIVES
October 5, 1981

Mr. President:

It is ordered that a message be sent to the Senate informing that Honorable Body that the House of Representatives is organized and is now ready to proceed with the public business.

Respectfully,
GRACE COLLINS
Principal Clerk

October 5, 1981

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions are presented to the Senate, read the first time, and disposed of as follows:

Senator Lawing moves that the rules be suspended to allow the introduction of the following joint resolutions, which motion prevails by a two-thirds majority vote.

By Senator Lawing:

S. J. R. 1, a joint resolution amending the joint resolution setting the time for adjournment of the 1981 General Assembly.

On motion of Senator Lawing, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger.

By Senator Lawing:

S. J. R. 2, a joint resolution adjourning the 1981 Extra Session *sine die*.

On motion of Senator Lawing, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. J. R. 1, a joint resolution amending the joint resolution setting the time for adjournment of the 1981 General Assembly.

S. J. R. 2, a joint resolution adjourning the 1981 Extra Session *sine die*.

The Senate having completed the business before it, Senator Lawing moves that the Senate do now adjourn *sine die*. The President orders a message sent to the House of Representatives informing that Honorable Body that the Senate stands ready for adjournment.

The President orders the doors of the Senate thrown open, and the Speaker of the House of Representatives is perceived standing ready to let the gavel fall.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

HOUSE OF REPRESENTATIVES
October 5, 1981

Mr. President:

Pursuant to the Joint Resolution fixing the hour of adjournment of the Extra Session of the General Assembly *sine die*, the House having completed the business before it and the

October 5, 1981

hour having arrived for adjournment, by authority invested in me as Speaker of the House, I now declare the House of Representatives of the Extra Session of the General Assembly of North Carolina adjourned *sine die*.

Respectfully,
GRACE COLLINS
Principal Clerk

The motion heretofore offered by Senator Lawing prevails.

The hour for adjournment *sine die*, fixed by Resolution 2, having arrived, the President of the Senate, James C. Green, declares the Senate of the General Assembly of the Extra Session of 1981 adjourned *sine die*.

JAMES C. GREEN
President of the Senate

SYLVIA MORRIS FINK
Principal Clerk of the Senate

There having arrived at the Senate Chamber, the President of the Senate, James C. Brown, delivered the following address to the Senate:

My friends, I have the honor to welcome you to the Senate Chamber, and to assure you that the Senate will do its duty to the people of the State.

The Senate will do its duty to the people of the State, and to the people of the United States. It will do its duty to the people of the State, and to the people of the United States, and to the people of the world.

The Senate will do its duty to the people of the State, and to the people of the United States, and to the people of the world. It will do its duty to the people of the State, and to the people of the United States, and to the people of the world.

THE SENATE

The Senate will do its duty to the people of the State, and to the people of the United States, and to the people of the world. It will do its duty to the people of the State, and to the people of the United States, and to the people of the world.

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James C. Brown
President of the Senate

1881

The Senate will do its duty to the people of the State, and to the people of the United States, and to the people of the world. It will do its duty to the people of the State, and to the people of the United States, and to the people of the world.

ADDENDUM

It will be noted that the resolutions passed second reading and then were read a third time on the same day.

Rule 50 states:

No bill on its third reading shall be acted upon out of the regular order in which it stands on the Calendar, and no bill shall be acted upon on its third reading the same day on which it passed its second reading, unless so ordered by two-thirds of the membership of the Senate.

In order to comply with this Rule, no bill which has passed its second reading is read a third time except:

- (1) when a member moves that the Rule be suspended, and this motion prevails by at least a two-thirds vote of the membership of the Senate, or
- (2) when the Chair determines that there is no objection from any member present, which constitutes unanimous consent that Rule 50 be suspended.

In these cases the bill is read a third time.

Sylvia M. Fink
Principal Clerk

EXTRA SESSION 1981

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October 5, 1981

STATEMENT BY PRESIDENT OF SENATE

As you are quite aware, questions have been raised as to the validity of Resolution 66 of the 1981 Session under which the General Assembly adjourned.

Opinions were requested from and submitted by the Attorney General's Office to the Speaker of the House of Representatives and the President of the Senate regarding the points raised. (See Exhibits 1, 2, and 3)

All things considered, the leadership of both Bodies of this General Assembly agreed that the proper procedure to follow to accomplish the intent of Resolution 66 as enacted by this General Assembly was to implement the constitutional provision under Article II, Section 11, providing for an Extra Session under legislative call for the purpose of clarifying the adjournment resolution of the First Session.

We shall, therefore, proceed by amending Resolution 66 of the 1981 Session to provide for a Second 1981 Session to convene October 5, 1981, at 11:05 A.M. We shall then adjourn the Extra Session—*sine die*.

Then at the hour appointed today (11:05 A.M.) we shall reconvene the 1981 General Assembly into a Second Session for the purposes set forth in Resolution 66 of the 1981 Session.

Now, to avoid any doubt as to the validity of this Extra Session, we shall organize by adopting rules and appointing committees. Your officers having been elected for a term of two years remain the same regardless of the number of sessions within that period, consequently it is not necessary to re-elect them unless you had already adjourned *sine die*.

Now the question has been raised as to the eligibility of the membership to two days per diem and pay.

Inasmuch as the Extra Session under legislative call was accomplished to correct a procedural matter, the leadership of the House and I agree you should claim *only* one day's expenses.

EXHIBIT 1

STATE OF NORTH CAROLINA

RUFUS L. EDMISTEN
Attorney General

Department of Justice
P.O. Box 629
Raleigh
27602
August 26, 1981

Honorable Liston B. Ramsey, Speaker
House of Representatives
Legislative Building
Raleigh, North Carolina 27611

Re: Resolution 66, Session Laws of 1981;
Joint Resolution 733, Session Laws of 1981;
Reconvening General Assembly

Dear Mr. Ramsey:

The Speaker of the House of Representatives and the Secretary of State have expressed concern that Section 1 of the above Resolution does not comply with the North Carolina Constitution wherein the Resolution, after providing that the General Assembly shall convene at Noon on Monday, November 16, 1981, further provides "unless Congress has completed adoption of the federal budget for fiscal year 1982 before that date, in which event the General Assembly may be reconvened at an earlier time determined by agreement of the President of the Senate and Speaker of the House."

The question presented is whether the quoted language has adjourned the General Assembly to a "future day" within the meaning of Article II, Section 20, North Carolina Constitution.

Section 20 provides "... The two houses may jointly adjourn to any future day or other place."

The word "day" generally means a calendar day consisting of twenty-four hours from midnight to midnight.

The word "date" in its ordinary meaning imports the day, month and year.

Historically, adjournments of the General Assembly have been to a certain day, month and year.

Although there are no North Carolina cases construing Section 20, it is our view that the word "day" means "date" in the sense both Houses must jointly adjourn to a specified day, and that the Constitution does not authorize the Speaker of the House and the President of the Senate to determine that "future day or other place."

Additionally, there is serious question as to when Congress has "completed adoption of the federal budget for fiscal year 1982," and no procedure is provided for how or who makes that determination.

It is our view that there is too much question surrounding the language quoted above, and that the General Assembly has alternative options as follows:

1. It may reconvene at Noon on Monday, November 16, 1981, as fixed in the Resolution, or
2. The Speaker of the House and the President of the Senate may convene the General Assembly in extra session by their joint proclamation upon written request signed by three-fifths of all members of each House, under Article II, Sec. 11(2), or
3. The Governor may, pursuant to Article III, Sec. 5(7), call an extra session, by and with the advice of the Council of State.

The requirement of a "future day or other place" in Section 20 is apparent. It enables the members of both Houses to know when they must assemble for legislative purposes and thereby affords them an opportunity to arrange their schedule in order to be in attendance for legislative business as required by G. S. 120-6 and 7.

Additionally, the citizens of the State have the right to know when and where its elected Representatives and Senators will be convening to transact legislative business.

That portion of the Resolution in question does not give either the citizens of the State or the members of the General Assembly any notice or knowledge when that body will convene.

Very truly yours
RUFUS L. EDMISTEN
Attorney General

S/ JAMES F. BULLOCK
Senior Deputy Attorney General

JFB:ae

EXHIBIT 2

STATE OF NORTH CAROLINA

RUFUS L. EDMISTEN Department of Justice
Attorney General P.O. Box 629
Raleigh
27602

September 23, 1981

The Honorable James C. Green
Lieutenant Governor
President, North Carolina State Senate
State Legislative Building
Raleigh, North Carolina 27611

The Honorable Liston B. Ramsey
Speaker, North Carolina House of Representatives
Walnut Creek Road
Marshall, North Carolina 28753

Dear Lt. Governor Green and Speaker Ramsey:

This is in response to your recent request of this office for our opinion concerning matters which may be considered in the upcoming convening of the General Assembly on October 5, 1981. The North Carolina General Assembly is to convene in the State Legislative Building at 10:00 a.m. on Monday, October 5, 1981, pursuant to your joint proclamation. The question has arisen as to whether matters considered in the 1981 regular session of the General Assembly, which adjourned at 2:30 p.m., on Friday, July 10, 1981, may be considered during the October 5 convening or whether the convening on October 5 is a new and separate session of the General Assembly. For the reasons hereafter stated, this office has concluded that the session of the General Assembly which is to convene October 5, 1981, is a continuation, and integral part of the 1981 Session of the General Assembly which convened January 14, 1981.

Resolution 66 of the 1981 General Assembly adjourned the Senate and House of Representatives "to reconvene for a session in the Fall of 1981." In Section 2, Resolution 66 sets another convening of the General Assembly for Wednesday, June 2, 1982. The 1981 regular session of the General Assembly has therefore never adjourned itself *sine die*. Under both the Constitution of 1868 and the Constitution of 1971 the General Assembly is the judge of its own session. Prior to the 1971 Session of the General Assembly the legislative practice was to adjourn *sine die* at the conclusion of its business in its regular biennial session. Then, on those occasions where another convening of the General Assembly was required the General Assembly was convened in extra session by gubernatorial proclamation.

In 1971 the General Assembly found the need to have an adjourned session to consider higher education matters. The General Assembly therefore, by Resolution 112, adjourned itself on July 21, 1971, to meet again on Tuesday, October 26, 1971. The 1971 adjournment resolution appears to have set the precedent for the adjournment resolution adopted by General Assemblies since the adoption of the Constitution of 1971. This office previously expressed to you doubts concerning the validity, under Article II, Section 20, of the Constitution of a portion of the 1981 adjournment resolution. That portion concerning which this office expressed constitutional doubts was the provision for reconvening the General Assembly prior to Monday, November 16, 1981. No questions have been raised concerning the validity, under the Constitution, of any other portion of the 1981 adjournment resolution. The General Assembly has therefore availed itself of the procedure prescribed by Article II, Section 11(2) of the Constitution for establishing a reconvening on October 5.

The General Assembly is a continuing body until such time as its business terminates. Article II, Section 11(1) requires that the General Assembly meet in regular session on the day prescribed by law; G. S. 120-11.1 sets the convening on the first Wednesday after the second Monday in January next after the election of the membership of the General Assembly. Therefore, until a succeeding General Assembly is elected and required to meet or until the General Assembly adjourns itself *sine die* the biennial General Assembly continues. See *Commercial and Farmers Bank v. Worth*, 117 N.C. 146, 23 S.E. 160 (1895).

In conclusion, since the General Assembly has not adjourned *sine die*, we think that what has occurred is that the General Assembly has availed itself of an extraordinary technique provided for by the Constitution to cure a technical defect in Resolution 66 of 1981 in order to establish a date of reconvening with certainty. Therefore the convening of the General Assembly to occur on October 5, 1981, is a continuation of the 1981 Session.

Very truly yours,
RUFUS L. EDMISTEN
Attorney General

S/ JAMES F. BULLOCK
Senior Deputy Attorney General

JFB/p

EXHIBIT 3

STATE OF NORTH CAROLINA

RUFUS L. EDMISTEN Department of Justice
Attorney General P.O. Box 629
 Raleigh
 27602
 September 30, 1981

The Honorable James C. Green
Lieutenant Governor
President, North Carolina State Senate
State Legislative Building
Raleigh, North Carolina 27611

The Honorable Liston B. Ramsey, Speaker
North Carolina House of Representatives
State Legislative Building
Raleigh, North Carolina 27611

Dear Lt. Governor Green and Speaker Ramsey:

Your inquiry is whether the General Assembly, when convened in the extra session called for 10:00 AM, Monday, October 5, 1981, may amend Resolution 66 so as to convene the regular session at 3:00 PM, Monday, October 5, 1981, then adjourn the extra session *sine die*, and convene the regular session pursuant to amended Resolution 66.

Our research fails to find any cases dealing with the question, but so far as we can ascertain, such may be done. There is no statutory or constitutional limitation on what the General Assembly may consider in either the extra session or the regular session. The regular session is still in being, but merely adjourned until the day set in the Resolution of Adjournment. Of course, Resolution 66 contains a self-imposed restriction as to what matters may be considered in the Fall 1981 Session, but this is a limitation which the General Assembly may remove while in session, if it so desires.

Very truly yours

RUFUS L. EDMISTEN

Attorney General

S/ JAMES F. BULLOCK

Senior Deputy Attorney General

JFB:ae

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OF THE
GENERAL ASSEMBLY
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STATE OF NORTH CAROLINA

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SYLVIA M. FINK, Principal Clerk Raleigh
LEROY CLARK, JR., Reading Clerk Wendell
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THE SENATE OF NORTH CAROLINA

1981 GENERAL ASSEMBLY EXTRA SESSION 1981

OF

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KENNETH C. ROTALL, JR., Majority Leader
EVELYN M. WILKE, Minority Chief
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47	JAMES MCINTYRE	1000 S. 10th St., Raleigh, NC 27601
48	ROBERT E. SWAIN	1000 S. 10th St., Raleigh, NC 27601
49	JOE H. TAYLOR	1000 S. 10th St., Raleigh, NC 27601
50	R. T. THOMAS	1000 S. 10th St., Raleigh, NC 27601

SENATE JOURNAL SECOND SESSION 1981

ONE HUNDRED TWENTY-SEVENTH DAY

SENATE CHAMBER,
Monday, October 5, 1981

Pursuant to adjournment on July 10, 1981, in accordance with Resolution 66 of the 1981 Session of the North Carolina General Assembly, as amended by Resolution 1 of the 1981 Extra Session, to reconvene in a Second Session in 1981 for review of the budget for fiscal year 1981-1982 and for consideration of certain other bills, the Senate of the General Assembly of North Carolina assembles this day in the Senate Chamber of the Legislative Building in the City of Raleigh.

The Honorable James C. Green, Lieutenant Governor, calls the Senate to order.

Prayer is offered by the Reverend Joe Brown, Pastor of Lovegrove AME Zion Church, Swann, and a member of the N. C. State Senate Sergeant-at-Arms staff.

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of Friday, July 10, 1981, has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants a leave of absence to Senator Jernigan for today.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bill is presented to the Senate, read the first time, and disposed of as follows:

Senator Hardison moves that the rules be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Hardison and Royall:

S. B. 773, a bill to modify current operations and capital improvements appropriations for North Carolina State Government for the fiscal year 1981-82 and to make other changes in the budget operations of the State.

Referred to **Appropriations Committee**.

On motion of Senator Lawing, seconded by Senator Jenkins, the Senate adjourns to meet tomorrow at 9:30 A.M.

ONE HUNDRED TWENTY-EIGHTH DAY

SENATE CHAMBER,
Tuesday, October 6, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

October 6, 1981

Prayer is offered by the Reverend Joe Brown, Pastor of Lovegrove AME Zion Church, Swann.

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

WITHDRAWAL FROM COMMITTEE

S.B. 627, a bill to exempt certain sales made by fraternal organizations from the sales and use tax.

On the motion of Senator Royall, the rules are suspended and the bill is taken from the **Ways and Means Committee** and is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered without objection, sent to the House of Representatives by Special Messenger.

H.B. 1276, a bill to amend Article 24A of Chapter 58 of the General Statutes, relating to mutual burial associations.

On motion of Senator Royall, the rules are suspended and the bill is taken from the **Ways and Means Committee** and re-referred to the **Finance Committee**.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Hardison and Royall:

S.B. 774, a bill to appropriate funds for the Liberty Cart historical drama in Duplin County.

Referred to **Appropriation Committee**.

By Senators Hancock and Royall:

S.B. 775, a bill to appropriate funds for the American Dance Festival.

Referred to **Appropriations Committee**.

By Senators Boger and Smith:

S.B. 776, a bill to amend the Charter of the City of Salisbury to authorize economic development projects.

On motion of Senator Boger, the rules are suspended and the bill is placed on the Calendar for tomorrow, October 7.

By Senator Warren:

S.B. 777, A bill to appropriate funds for a truck driver training program facility at Johnston Technical College.

Referred to **Appropriations Committee**.

Senator Hardison moves that Rule 40 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Hardison and Royall:

S.B. 779, a bill to appropriate funds to the Department of Human Resources for the Wilderness Camping Program.

Referred to **Appropriations Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 1385, a bill exempting from the provisions of Article 12, Chapter 160A, of the General Statutes of North Carolina, the County of Edgecombe as to leases or sales of real estate owned by it known as the Edgecombe General Hospital property and the personal property used for hospital and medical care purposes.

On motion of Senator Allsbrook, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

H.J.R. 1386, a joint resolution authorizing the Fall 1981 Session to consider local bills concerning the sale and disposition of property.

On motion of Senator Johnson, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered enrolled.

H.J.R. 1389, a joint resolution authorizing legislation pertaining to the issuance of bonds which may be considered at the 1981 Session of the General Assembly reconvening on October 5, 1981.

On motion of Senator Garrison, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered enrolled.

H.J.R. 1393, a joint resolution authorizing the consideration of a bill to be entitled an act to postpone the effective date of the Money Judgments and Exemptions Act.

On motion of Senator Thomas of Henderson, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered enrolled.

H.B. 1398, a bill to provide that the City of Conover shall be governed by general law concerning formal bids.

On motion of Senator Ballenger, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

H. J. R. 1399, a joint resolution authorizing the Fall 1981 Session to consider certain bills.

On motion of Senator Harrington, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered enrolled.

H. J. R. 1405, a joint resolution authorizing consideration of a bill concerning the tax records of Buncombe County and the City of Asheville.

On motion of Senator Swain, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

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The joint resolution passes its second and third readings and is ordered enrolled.

H. J. R. 1409, a joint resolution authorizing the Fall 1981 Session to consider a local bill concerning the payment date of employees of the Hickory Board of Education.

On motion of Senator Ballenger, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered enrolled.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bill is presented to the Senate, read the first time, and disposed of as follows:

Senator Garrison moves that Rule 40 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Garrison, Duncan, Mathis, Jordan, Hancock, Gray, Ward, Hardison, Creech, Johnson, Harris, Walker, Thomas of Craven, Palmer, Harrington, Daniels, Clarke, and Royall:

S. B. 778, a bill to authorize the issuance of three hundred million dollars in bonds of the State to provide funds for environmental improvement through grants to units of government for construction and improvement of wastewater treatment works, wastewater collection systems and water supply systems.

Referred to **Rules and Operation of the Senate Committee**.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. J. R. 1393, a joint resolution authorizing the consideration of a bill to be entitled an act to postpone the effective date of the Money Judgments and Exemptions Act.

On motion of Senator Lawing, seconded by Senator Harris, the Senate adjourns to meet tomorrow at 10:00 A.M.

ONE HUNDRED TWENTY-NINTH DAY

SENATE CHAMBER,
Wednesday, October 7, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, whose Will for us is the enjoyment of this good life which You have given us; we pray today for the family of Your servant, Anwar Sadat, and for all who mourn the loss of someone whom they have loved. We also pray that we shall find a way to affirm our unity as Your children despite the barriers of religion, national boundaries, race and culture that would divide us. Teach us to celebrate that which binds us

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together—our common humanity, our striving for peace, our hopes for your promised kingdom—to the end that we may, each in our own way, work in this world to bring Your rule into reality. Amen.”

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 1385, an act exempting from the provisions of Article 12, Chapter 160A, of the General Statutes of North Carolina, the County of Edgecombe as to leases or sales of real estate owned by it known as the Edgecombe General Hospital property and the personal property used for hospital and medical care purposes.

H. J. R. 1386, a joint resolution authorizing the Fall 1981 Session to consider local bills concerning the sale and disposition of property.

H. J. R. 1389, a joint resolution authorizing legislation pertaining to the issuance of bonds which may be considered at the 1981 Session of the General Assembly reconvening on October 5, 1981.

H. B. 1398, an act to provide that the City of Conover shall be governed by general law concerning formal bids.

H. J. R. 1399, a joint resolution authorizing the Fall 1981 Session to consider certain bills.

H. J. R. 1405, a joint resolution authorizing consideration of a bill concerning the tax records of Buncombe County and the City of Asheville.

H. J. R. 1409, a joint resolution authorizing the Fall 1981 Session to consider a local bill concerning the payment date of employees of the Hickory Board of Education.

WITHDRAWAL FROM COMMITTEE

H. B. 44, a bill to allow nonresidents, filing North Carolina returns, to apportion personal deductions between North Carolina and their states of principal residence to the extent that their states of principal residence allow apportionment of personal deductions by nonresidents filing returns in that state.

On motion of Senator Royall, the rules are suspended and the bill is taken from the **Ways and Means Committee** and is placed on the Calendar for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

H. B. 873, a bill to amend the tax provisions of Chapter 20 relating to carriers of passengers or property.

On motion of Senator Royall, the rules are suspended and the bill is taken from the **Ways and Means Committee** and is placed on the Calendar for immediate consideration, upon second reading.

The bill passes its second reading by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger,

Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 50.

The bill remains on the Calendar upon third reading.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Jenkins for the **Pensions and Retirement Committee**:

S. B. 261, House Committee Substitute for Committee Substitute for **S. B. 261**, a bill to index to the Consumer Price Index the earnable difference for disability beneficiaries of the State administered retirement programs, with an unfavorable report as to concurrence.

Senator Jenkins moves that the Senate do not concur in the House Committee Substitute bill and further moves that the President appoint conferees, which motions prevail.

The President appoints Senators Jenkins, Lawing, and Raynor as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S. B. 760, a bill to provide equitable retirement benefits for the sheriffs of North Carolina, with a favorable report, as amended.

H. B. 943, Committee Substitute for **H. B. 943**, a bill to require a minimum period of five years of membership service for a retirement allowance from the State administered retirement systems and to provide for the coordination of judges retirement benefits, with a favorable report, as amended.

H. B. 1062, a bill to increase the amount of income a retiree over age 62 may earn as a public employee before reducing a service retirement allowance from the Teachers' and State Employees' Retirement System and Local Governmental Employees' Retirement System, with a favorable report, as amended.

H. B. 1097, Committee Substitute for **H. B. 1097**, a bill to amend G. S. 135-8(b)(5) and G. S. 128-30(b)(4) to provide alternative means of purchasing retirement service credits for educational programs, with a favorable report, as amended.

H. B. 1150, a bill to limit the projection of service credit for disability benefits in the Local Governmental Employees' Retirement System, the Teachers' and State Employees' Retirement System, the Uniform Judicial Retirement System and the Law Enforcement Officers' Benefit and Retirement Fund, with a favorable report, as amended.

H. B. 1341, a bill to grant a six and six-tenths percent increase in the retirement allowances of beneficiaries in the North Carolina Local Governmental Employees' Retirement System payable beginning July 1, 1981, and to make a technical correction in the death benefit plan, with a favorable report, as amended.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Walker and Vickery:

S. J. R. 780, a joint resolution authorizing consideration of a bill concerning placing Randolph County under the statewide fox hunting laws.

On motion of Senator Walker, the joint resolution is temporarily displaced.

By Senators Walker and Vickery:

S. B. 781, a bill to place Randolph County under the statewide fox hunting laws.

The Chair defers referral to committee until tomorrow.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 1388, a bill to extend the same rights and privileges to the hearing impaired users of hearing-ear dogs as exist for the visually handicapped users of guide dogs.

Referred to **Finance Committee**.

H. J. R. 1414, a joint resolution authorizing consideration of a bill concerning placing Randolph County under the statewide fox hunting laws.

On motion of Senator Walker, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered enrolled.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 776, a bill to amend the Charter of the City of Salisbury to authorize economic development projects, upon second reading.

The bill passes its second reading by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mathis, McDuffie, Mills, Noble, Palmer, Rauch, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 49.

The bill remains on the Calendar upon third reading.

Without objection, the Chair declares that the Senate stands in recess until 1:30 P.M.

AFTERNOON SESSION

The Senate meets pursuant to recess and is called to order by the Honorable James C. Green, Lieutenant Governor.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 44, an act to allow nonresidents, filing North Carolina returns, to apportion personal deductions between North Carolina and their states of principal residence to the extent that their states of principal residence allow apportionment of personal deductions by nonresidents filing returns in that state.

H. J. R. 1414, a joint resolution authorizing consideration of a bill concerning placing Randolph County under the statewide fox hunting laws.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

HOUSE OF REPRESENTATIVES

October 7, 1981.

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Committee Substitute to **S. B. 261**, a bill to be entitled an act to index the Consumer Price Index the earnable differences for disability beneficiaries of the State administered retirement programs, the Speaker has appointed as conferees on the part of the House, Representatives Ellis, Foster, and Bob Etheridge to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
GRACE COLLINS
Principal Clerk

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

Senator Thomas of Craven moves that Rule 40 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Thomas of Craven and Mills:

S. B. 783, a bill to appropriate funds to study the White Oak and Neuse Rivers.
Referred to **Appropriations Committee**.

Senator Marvin moves that Rule 40 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Rauch, Harris, and Marvin:

S. B. 784, a bill to appropriate funds to the Schiele Museum of Natural History and Planetarium, Inc.

Referred to **Appropriations Committee**.

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Senator Duncan moves that Rule 40 be suspended to allow the introduction and referral to committee of the following resolution, which motion prevails by a two-thirds majority vote.

By Senators Duncan, Hardison, Royall, Garrison, Jordan, Marion, Hancock, Ward, Warren, Mills, Marvin, Barnes, Walker, Rauch, White, Allsbrook, Harrington, Harris, Frye, Clarke, Lawing, Jernigan, Raynor, Jenkins, Vickery, Daniels, Wynne, Thomas of Henderson, Palmer, Thomas of Craven, Creech, Mathis, Johnson, Swain, McDuffie, Soles, and Gray:

S. R. 785, a Senate resolution assuring the Department of Transportation of additional funding by the General Assembly during its June 1982 Session.

Referred to **Finance Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

HOUSE OF REPRESENTATIVES
October 7, 1981.

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on House Committee Substitute for **S. B. 261**, a bill to be entitled an act to index to the consumer price index the earnable difference for disability beneficiaries of the State administered retirement programs, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
GRACE COLLINS
Principal Clerk

CONFERENCE REPORT

S. B. 261, House Committee
Substitute for **S. B. 261**

Senator Jenkins, for the conferees appointed to consider the differences arising between the Senate and House of Representatives upon **S. B. 261**, House Committee Substitute for Committee Substitute for **S. B. 261**, a bill to index to the Consumer Price Index the earnable difference for disability beneficiaries of the State administered retirement programs, submits the following report:

To the President of the Senate and
the Speaker of the House of Representatives:

We, your conferees appointed to resolve the differences arising between the Senate and the House of Representatives on House Committee Substitute for **S. B. 261**, a bill to be entitled an act to index to the consumer price index the earnable difference for disability beneficiaries of the State administered retirement programs, wish to report as follows:

The conferees agree that Sec. 5 on page 5, line 23, be rewritten to read as follows: "This act shall become effective upon ratification."

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To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 7th day of October 1981.

CECIL JENKINS

W. CRAIG LAWING

JOE B. RAYNOR

*Conferees on the part
of the Senate*

THOMAS W. ELLIS, JR.

BOBBY R. ETHERIDGE

JO GRAHAM FOSTER

*Conferees on the part of the
House of Representatives*

On motion of Senator Jenkins, the Conference Report is adopted and the House Committee Substitute bill is ordered enrolled. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S. J. R. 693, a joint resolution pertaining to the adequacy, reliability and economy of electric power in the northeast region of the State of North Carolina, for concurrence in House Amendment No. 1.

On motion of Senator Harrington, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

On motion of Senator Harrington, the Senate concurs in House Amendment No. 1 which changes the title to read, **S. J. R. 693**, a joint resolution pertaining to the adequacy, reliability and economy of electric power in the State of North Carolina, and the joint resolution is ordered enrolled.

H. B. 1356, a bill to increase license fees for hearing aid dealers and fitters to enable the Board to continue to be self-sustaining.

Referred to **Finance Committee**.

H. B. 1387, a bill to authorize the City of Raleigh to exercise certain land acquisition and disposal procedures.

On motion of Senator Johnson, the rules are suspended, and the bill is placed on the Calendar for tomorrow, October 8.

H. B. 1390, a bill to authorize the issuance of three hundred million dollars in bonds of the State to provide funds for environmental improvement through grants to units of government for construction and improvement of wastewater treatment works, wastewater collection systems and water supply systems.

Referred to **Finance Committee**.

H. B. 1391, a bill to amend the Charter of the City of Salisbury to authorize economic development projects.

On motion of Senator Boger, the rules are suspended, and the bill is placed on the Calendar for tomorrow, October 8.

H. B. 1401, a bill regarding the distribution of Dare County ABC profits.

Referred to **Finance Committee**.

H. B. 1402, a bill to amend the Edenton Supplemental Retirement Fund.

Referred to **Pensions and Retirement Committee**.

October 7, 1981

H. B. 1406, a bill relating to the tax records of Buncombe County and the City of Asheville.

On motion of Senator Swain, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

H. J. R. 1411, a joint resolution setting forth certain additional subjects which may be considered at the 1981 Session of the General Assembly reconvening on October 5, 1981.

On motion of Senator Clarke, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered enrolled.

H. B. 1412, a bill to amend Chapter 808 of the Session Laws of the 1981 Regular Session of the General Assembly of North Carolina, being a proposed amendment to the North Carolina Constitution, to clarify provisions which would authorize the General Assembly to enact laws with respect to the financing of seaports and airports located outside the State.

Referred to **Constitutional Amendments Committee**.

H. B. 1413, a bill to amend Chapter 856 of the Session Laws of the 1981 Regular Session of the General Assembly of North Carolina relating to the North Carolina State Ports Authority to amend the effective date thereof.

Referred to **Constitutional Amendments Committee**.

H. B. 1415, a bill to place Randolph County under the statewide fox hunting laws.

Referred to **Appropriations Committee**.

H. J. R. 1418, a joint resolution authorizing consideration of a bill concerning the Board of Trustees of Tri-County Technical Institute.

On motion of Senator Thomas of Henderson, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered enrolled.

H. B. 1419, a bill to add one trustee to the Board of Trustees of Tri-County Technical Institute to be from Clay County and appointed by the Governor.

Referred to **Higher Education Committee**.

H. J. R. 1421, a joint resolution authorizing consideration of a bill concerning election of District Court Judges in Districts 17-A and 17-B.

On motion of Senator Marion, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered enrolled.

H. B. 1422, a bill providing a method of electing District Court Judges in Districts 17-A and 17-B.

Referred to **Courts and Judicial Districts and Criminal Justice Committee**.

On motion of Senator Lawing, duly seconded, the Senate adjourns to meet tomorrow at 10:00 A.M.

ONE HUNDRED THIRTIETH DAY

SENATE CHAMBER,
Thursday, October 8, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, we praise You for all Your many mercies to us, and we especially thank You for the gift of laughter. We confess that we sometimes take ourselves too seriously, and that at other times the world presses in on us too much, demanding more than we can give. We thank You at such times that we can laugh at ourselves and our predicaments with a healthy humor that releases our tensions and frustrations and helps us to keep a proper perspective. Keep a sense of the comedic side of life alive in us, we pray, that we may not be overwhelmed by the tragedies of life nor take ourselves so seriously that we become blind to the needs of our brothers and sisters. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senator Rauch, who is observing Yom Kippur, and to Senator Mathis for today and tomorrow, October 9, and to Senators Allred and Clarke for tomorrow, October 9.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 261, House Committee Substitute for Committee Substitute for **S. B. 261**, an act to index to the Consumer Price Index the earnable difference for disability beneficiaries of the State administered retirement programs.

S. J. R. 693, a joint resolution pertaining to the adequacy, reliability and economy of electric power in the State of North Carolina.

H. B. 1406, an act relating to the tax records of Buncombe County and the City of Asheville.

H. J. R. 1411, a joint resolution setting forth certain additional subjects which may be considered at the 1981 Session of the General Assembly reconvening on October 5, 1981.

H. J. R. 1418, a joint resolution authorizing consideration of a bill concerning the Board of Trustees of Tri-County Technical Institute.

H. J. R. 1421, a joint resolution authorizing consideration of a bill concerning election of District Court Judges in Districts 17-A and 17-B.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

H. B. 1261, Committee Substitute for **H. B. 1261**, a bill to exempt dances and other amusements sponsored by certain corporations from the license tax on amusements, with a favorable report.

On motion of Senator Duncan, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 1276, a bill to amend Article 24A of Chapter 58 of the General Statutes, relating to mutual burial associations, with a favorable report.

H. B. 1356, a bill to increase license fees for hearing aid dealers and fitters to enable the Board to continue to be self-sustaining, with a favorable report.

On motion of Senator Duncan, the rules are suspended and the bill is placed before the Senate for immediate consideration, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marvin, McDuffie, Mills, Noble, Palmer, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 45.

The bill remains on the Calendar upon third reading.

H. B. 1380, a bill to allow the Town of Bridgeton to collect on motor vehicles a tax of not more than five dollars, with a favorable report.

On motion of Senator Thomas of Craven, the rules are suspended and the bill is placed before the Senate for immediate consideration, upon second reading.

The bill passes its second reading by roll-call vote, ayes 33, noes 7, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Ballenger, Barnes, Boger, Cavanagh, Clarke, Duncan, Garrison, Gray, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Lawing, Marvin, Mills, Noble, Palmer, Raynor, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Ward, Warren, White, and Wynne — 33.

Voting in the negative: Senators Baker, Cockerham, Hancock, Kincaid, Redman, Royall, and Wright — 7.

The bill remains on the Calendar upon third reading.

H. B. 1388, a bill to extend the same rights and privileges to the hearing impaired users of hearing-ear dogs as exist for the visually handicapped users of guide dogs, with a favorable report.

On motion of Senator Duncan, the bill is re-referred to the **Ways and Means Committee**.

H. B. 1390, a bill to authorize the issuance of three hundred million dollars in bonds of the State to provide funds for environmental improvement through grants to units of

government for construction and improvement of wastewater treatment works, wastewater collection systems and water supply systems, with a favorable report.

On motion of Senator Duncan, the rules are suspended and the bill is placed before the Senate for immediate consideration, upon second reading.

Senator Wright offers Amendment No. 1 which fails of adoption.

Senator Kincaid offers Amendment No. 2 which fails of adoption.

Senator Wright offers Amendment No. 3 which fails of adoption.

Senator Lawing, seconded by Senator Redman offers a motion to place the bill on the Calendar for June 2, 1982, as Special Order of Business No. 1, which motion fails to prevail.

Senator Garrison calls the previous question, duly seconded. The call is sustained.

The bill passes its second reading by roll-call vote, ayes 37, noes 10, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Barnes, Clarke, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Marion, Marvin, McDuffie, Mills, Palmer, Raynor, Royall, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wynne — 37.

Voting in the negative: Senators Ballenger, Boger, Cavanagh, Cockerham, Kincaid, Lawing, Noble, Redman, Smith, and Wright — 10.

The bill remains on the Calendar upon third reading.

H. B. 1401, a bill regarding the distribution of Dare County ABC profits, with a favorable report.

By Senator Wynne for the **Higher Education Committee**:

S. B. 755, a bill to revise the manner of election of the Wake County Board of Commissioners, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Wynne, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S. B. 755**, Committee Substitute for **S. B. 755**, a bill to revise the residence districts for the Wake County Board of Commissioners, is placed before the Senate for immediate consideration.

On motion of Senator Wynne, the Committee Substitute bill is adopted and the bill remains on the Calendar for further consideration.

The Committee Substitute bill passes its second and third readings and is ordered without objection, sent to the House of Representatives by Special Messenger.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Walker and Vickery:

S. B. 781, a bill to place Randolph County under the statewide fox hunting laws.
Referred to **Appropriations Committee**.

By Senator Marion:

S. B. 782, a bill to appropriate funds for various additional judicial personnel.
Referred to **Appropriations Committee**.

Senator Jenkins moves that Rule 40 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Jenkins, Thomas of Craven, and Allsbrook:

S. B. 786, a bill to allow the purchase of creditable service with the State retirement systems for leaves of absence when in receipt of workers' compensation.

Referred to **Pensions and Retirement Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 1397, a bill to postpone the effective date of the Money Judgments and Exemptions Act and amend the Act to regulate precious metal business.

Referred to **Small Business Committee**.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 760, a bill to provide equitable retirement benefits for the sheriffs of North Carolina.

On motion of Senator Lawing, Committee Amendments No. 1, and No. 2 are adopted.

The bill, as amended, passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger, without engrossment.

S. J. R. 780, a joint resolution authorizing consideration of a bill concerning placing Randolph County under the statewide fox hunting laws.

On motion of Senator Walker, duly seconded, the joint resolution is postponed indefinitely.

H. B. 873, a bill to amend the tax provisions of Chapter 20 relating to carriers of passengers or property, upon third reading.

The bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garri-son, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Raynor, Redman, Royall, Smith, Soles, Speed, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 46.

The bill is ordered enrolled.

H. B. 943, Committee Substitute for **H. B. 943**, a bill to require a minimum period of five years of membership service for a retirement allowance from the State administered retirement systems and to provide for the coordination of judges retirement benefits.

On motion of Senator Kincaid, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1 by Special Messenger.

H. B. 1062, a bill to increase the amount of income a retiree over age 62 may earn as a public employee before reducing a service retirement allowance from the Teachers' and State Employees' Retirement System and Local Governmental Employees' Retirement System.

On motion of Senator Alford, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1 by Special Messenger.

H. B. 1097, Committee Substitute for **H. B. 1097**, a bill to amend G. S. 135-8(b)(5) and G. S. 128-30(b)(4) to provide alternative means of purchasing retirement service credits for educational programs, upon second reading.

On motion of Senator Ballenger, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Raynor, Redman, Royall, Smith, Soles, Speed, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 44.

The Committee Substitute bill, as amended, remains on the Calendar upon third reading.

H. B. 1150, a bill to limit the projection of service credit for disability benefits in the Local Governmental Employees' Retirement System, the Teachers' and State Employees' Retirement System, the Uniform Judicial Retirement System and the Law Enforcement Officers' Benefit and Retirement Fund.

On motion of Senator Barnes, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Amendment No. 1 by Special Messenger.

H. B. 1341, a bill to grant a six and six-tenths percent increase in the retirement allowances of beneficiaries in the North Carolina Local Governmental Employees' Retirement System payable beginning July 1, 1981, and to make a technical correction in the death benefit plan.

On motion of Senator Lawing, Committee Amendment No. 1 is adopted.

Without objection, the following Senator is excused from voting for the stated reason:

Senator Harris: "It would raise my retirement \$1.85 per month."

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1 by Special Messenger.

H. B. 1387, a bill to authorize the City of Raleigh to exercise certain land acquisition and disposal procedures, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Mills, Noble, Palmer, Raynor, Redman, Royall, Smith, Soles,

Speed, Swain, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 45.

The bill remains on the Calendar upon third reading.

H. B. 1391, a bill to amend the Charter of the City of Salisbury to authorize economic development projects, upon second reading.

The bill passes its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Boger, Cavanagh, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, Noble, Palmer, Redman, Royall, Smith, Speed, Swain, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 40.

The bill remains on the Calendar upon third reading.

S. B. 776, a bill to amend the Charter of the City of Salisbury to authorize economic development projects, upon third reading.

Without objection, the President places the bill on the Calendar for tomorrow, October 9.

WITHDRAWAL FROM COMMITTEE

S. R. 785, a Senate resolution assuring the Department of Transportation of additional funding by the General Assembly during its June 1982 Session.

On motion of Senator Duncan the rules are suspended and the resolution is taken from the **Finance Committee** and is placed on the Calendar for immediate consideration.

On motion of Senator Hardison, the Senate resolution is adopted. (The text of this resolution appears in the Appendix.)

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H. B. 1408, a bill to authorize Ashe and Alleghany Counties to privately sell or lease real estate owned, or hereafter owned by it, as an industrial park, or for the purpose of an industrial development, and authorize acquisition of real property for such purpose.

On motion of Senator Marion, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1410, a bill to direct the Hickory Board of Education to pay its ten-month employees on or before the thirteenth day of each month.

On motion of Senator Ballenger, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

On motion of Senator Lawing, the Senate recesses to reconvene at 1:30 P.M.

AFTERNOON SESSION

The Senate meets pursuant to recess and is called to order by the Honorable James C. Green, Lieutenant Governor.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hardison for the **Appropriations Committee**:

S. B. 773, a bill to modify current operations and capital improvements appropriations for North Carolina State Government for the fiscal year 1981-82 and to make other changes in the budget operations of the State, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hardison, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Hardison, the Committee Substitute bill is adopted, and on his further motion is temporarily displaced.

By Senator Clarke for the **Constitutional Amendments Committee**:

H. B. 1412, a bill to amend Chapter 808 of the Session Laws of the 1981 Regular Session of the General Assembly of North Carolina, being a proposed amendment to the North Carolina Constitution, to clarify provisions which would authorize the General Assembly to enact laws with respect to the financing of seaports and airports located outside the State, with a favorable report.

On motion of Senator Clarke, the rules are suspended and the bill is placed before the Senate for immediate consideration, upon second roll-call reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Jordan, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Raynor, Redman, Royall, Smith, Soles, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 45.

Having received a three-fifths majority affirmative vote, without objection, the bill remains before the Senate upon third roll-call reading.

The bill passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Jordan, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Palmer, Raynor, Redman, Royall, Smith, Soles, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 43.

Having received a three-fifths majority affirmative vote, the bill is ordered enrolled.

H. B. 1413, a bill to amend Chapter 856 of the Session Laws of the 1981 Regular Session of the General Assembly of North Carolina relating to the North Carolina State Ports Authority to amend the effective date thereof, with a favorable report.

On motion of Senator Clarke, the rules are suspended and the bill is placed before the Senate for immediate consideration, upon second roll-call reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Jordan, Kincaid, Lawing,

Marion, Marvin, McDuffie, Mills, Noble, Palmer, Raynor, Redman, Royall, Smith, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 45.

Having received a three-fifths majority affirmative vote, without objection, the bill remains before the Senate upon third roll-call reading.

The bill passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allred, Allsbrook, Baker, Ballenger, Barnes, Boger, Clarke, Cockerham, Creech, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Jordan, Kincaid, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Raynor, Redman, Royall, Smith, Thomas of Craven, Vickery, Walker, Ward, Warren, White, Wright, and Wynne — 41.

Having received a three-fifths majority affirmative vote, the bill is ordered enrolled.

WITHDRAWAL FROM COMMITTEE

H. B. 1065, a bill to clarify the scope of the partial sales tax exemption for certain farm equipment.

On motion of Senator Royall, the rules are suspended and the bill is taken from the **Ways and Means Committee** and is placed on the Calendar for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

RECALL FROM COMMITTEE

H. B. 1397, a bill to postpone the effective date of the Money Judgments and Exemptions Act and amend the Act to regulate precious metal business.

On motion of Senator Thomas of Henderson, the rules are suspended, and the bill is recalled from the **Small Business Committee** and is placed on the Calendar for immediate consideration.

Senator Thomas of Henderson offers Amendment No. 1.

Senator Thomas of Henderson calls the previous question, duly seconded, the call is sustained. Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Amendment No. 1 by Special Messenger.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H. B. 1392, Committee Substitute for **H. B. 1392**, a bill to modify current operations and capital improvements appropriations for North Carolina State Government for the fiscal year 1981-82 and to make other changes in the budget operations of the State.

On motion of Senator Hardison, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

Senator Swain offers Amendment No. 1 which is adopted.

Senator Ballenger offers Amendment No. 2. Senator Harris, seconded by Senator Hardison offers a motion that Amendment No. 2 do lie upon the table, which motion prevails. Amendment No. 2 lies upon the table.

Senator Soles offers Amendment No. 3 which fails of adoption.

Senator Redman offers Amendment No. 4. Senator Harris, seconded by Senator Hardison, offers a motion that Amendment No. 4 do lie upon the table. Senator Kincaid

calls for the "ayes" and the "noes". The call is sustained. The motion that Amendment No. 4 do lie upon the table prevails by roll-call vote, ayes 28, noes 19, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Barnes, Boger, Duncan, Garrison, Hancock, Hardison, Harrington, Harris, Jernigan, Jordan, Lawing, Marion, McDuffie, Mills, Noble, Palmer, Raynor, Royall, Soles, Smith, Swain, Thomas of Craven, Thomas of Henderson, Walker, White, and Wynne — 28.

Voting in the negative: Senators Allred, Baker, Ballenger, Cavanagh, Clarke, Cockerham, Creech, Frye, Gray, Jenkins, Johnson, Kincaid, Marvin, Redman, Speed, Vickery, Ward, Warren, and Wright — 19.

Amendment No. 4 lies upon the table.

Senator Wright offers Amendment No. 5. Senator Royall, seconded by Senator Hardison, offers a motion that Amendment No. 5 do lie upon the table, which motion prevails. Amendment No. 5 lies upon the table.

The bill, as amended, passes its second reading.

Senator Redman offers Amendment No. 6. The Chair rules Amendment No. 6 out of order.

The bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H. B. 1400, an act to authorize the State to grant utility easements across a portion of Jockeys Ridge State Park lying within the State Nature and Historic Preserve.

Referred to **Small Business Committee**.

On motion of Senator Lawing, seconded by Senator Harrington, the Senate adjourns to meet tomorrow at 12 M.

ONE HUNDRED THIRTY-FIRST DAY

SENATE CHAMBER,
Friday, October 9, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Almighty God, Judge of Nations: we praise You for this noble land, and for the freedoms which we enjoy in it. We confess that at times, we have failed You by seeking to limit the freedoms of others, or neglecting the rights of those under our care. Remind us that our heritage of freedom is as fragile as it is precious. Do not let us become so indifferent, or lazy, or timid that we will not protect what others worked and died to achieve, and remind us that we should work not only to protect freedom, but to extend its limits for ourselves and for others. Amen."

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

Leaves of absence granted previously to Senators Allred, Clarke, Mathis, and Rauch are noted.

October 9, 1981

On motion of Senator Lawing, the rules of the Senate are suspended to allow Governor Hathi, Governor of the State of Punjab, India, to approach the Well of the Senate where he briefly addresses the membership.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 873, an act to amend the tax provisions of Chapter 20 relating to carriers of passengers or property.

H. B. 1261, Committee Substitute for **H. B. 1261**, an act to exempt dances and other amusements sponsored by certain corporations from the license tax on amusements.

H. B. 943, Committee Substitute for **H. B. 943**, an act to require a minimum period of five years of membership service for a retirement allowance from the State administered retirement systems and to provide for the coordination of judges retirement benefits.

H. B. 1062, an act to increase the amount of income a retiree over age 62 may earn as a public employee before reducing a service retirement allowance from the Teachers' and State Employees' Retirement System and Local Governmental Employees' Retirement System.

H. B. 1150, an act to limit the projection of service credit for disability benefits in the Local Governmental Employees' Retirement System, the Teachers' and State Employees' Retirement System, the Uniform Judicial Retirement System and the Law Enforcement Officers' Benefit and Retirement Fund.

H. B. 1341, an act to grant a six and six-tenths percent increase in the retirement allowances of beneficiaries in the North Carolina Local Governmental Employees' Retirement System payable beginning January 1, 1982, and to make a technical correction in the death benefit plan.

S. B. 627, an act to exempt certain sales made by fraternal organizations from the sales and use tax.

S. B. 755, Committee Substitute for **S. B. 755**, an act to revise the residence districts for the Wake County Board of Commissioners.

H. B. 1065, an act to clarify the scope of the partial sales tax exemption for certain farm equipment.

H. B. 1408, an act to authorize Ashe and Alleghany Counties to privately sell or lease real estate owned, or hereafter owned by it, as an industrial park, or for the purpose of an industrial development, and authorize acquisition of real property for such purpose.

H. B. 1410, an act to direct the Board of Education of the Hickory Administrative School Unit to pay its ten-month personnel on or before the thirteenth day of each month.

H. B. 1412, an act to amend Chapter 808 of the Session Laws of the 1981 Regular Session of the General Assembly of North Carolina, being a proposed amendment to the North Carolina Constitution, to clarify provisions which would authorize the General Assembly to enact laws with respect to the financing of seaports and airports located outside the State.

H. B. 1413, an act to amend Chapter 856 of the Session Laws of the 1981 Regular Session of the General Assembly of North Carolina relating to the North Carolina State Ports Authority to amend the effective date thereof.

WITHDRAWAL FROM COMMITTEE

S. B. 781, a bill to place Randolph County under the statewide fox hunting laws.

On motion of Senator Hardison, the rules are suspended, and the bill is taken from the **Appropriations Committee** and is placed on the Calendar for immediate consideration.

The bill passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger.

H. B. 1400, a bill to authorize the State to grant utility easements across a portion of Jockeys Ridge State Park lying within the State Nature and Historic Preserve.

On motion of Senator Thomas of Henderson, the rules are suspended, and the bill is taken from the **Small Business Committee** and is placed on the Calendar for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1402, a bill to amend the Edenton Supplemental Retirement Fund.

On motion of Senator Jenkins, the rules are suspended, and the bill is taken from the **Pensions and Retirement Committee** and is placed on the Calendar for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1422, a bill providing a method of electing District Court Judges in Districts 17-A and 17-B.

On motion of Senator Swain, the rules are suspended, and the bill is taken from the **Courts and Judicial Districts and Criminal Justice Committee** and is placed on the Calendar for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 773, Committee Substitute for **S. B. 773**, a bill to modify current operations and capital improvements appropriations for North Carolina State Government for the fiscal year 1981-82 and to make other changes in the budget operations of the State.

On motion of Senator Hardison, the Committee Substitute bill is temporarily displaced.

H. B. 1097, Committee Substitute for **H. B. 1097**, a bill to amend G. S. 135-8(b)(5) and G. S. 128-30(b)(4) to provide alternative means of purchasing retirement service credits for educational programs, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Cockerham, Creech, Duncan, Frye, Garrison, Hancock, Harris, Jenkins, Johnson, Jordan, Lawing, Marvin, Mills, Noble, Palmer, Raynor, Redman, Smith, Soles, Speed, Swain, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 35.

The Committee Substitute bill, as amended, is ordered, without objection, sent to the House of Representatives for concurrence in Senate Amendment No. 1 by Special Messenger.

H. B. 1276, a bill to amend Article 24A of Chapter 58 of the General Statutes, relating to mutual burial associations.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1356, a bill to increase license fees for hearing aid dealers and fitters to enable the Board to continue to be self-sustaining, upon third reading.

The bill passes its third reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Baker, Ballenger, Barnes, Cavanagh, Cockerham, Creech, Daniels, Frye, Garrison, Gray, Hancock, Harrington, Harris, Jenkins, Johnson, Jordan, Lawing, Marvin, McDuffie, Mills, Palmer, Raynor, Redman, Smith, Soles, Speed, Thomas of Henderson, Walker, Ward, Warren, White, Wright, and Wynne — 35.

The bill is ordered enrolled.

H. B. 1380, a bill to allow the Town of Bridgeton to collect on motor vehicles a tax of not more than five dollars, upon third reading.

The bill passes its third reading by roll-call vote, ayes 37, noes 5, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Daniels, Duncan, Frye, Garrison, Gray, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Raynor, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Ward, Warren, White, and Wynne — 37.

Voting in the negative: Senators Cockerham, Hancock, Redman, Royall, and Wright — 5.

The bill is ordered enrolled.

H. B. 1387, a bill to authorize the City of Raleigh to exercise certain land acquisition and disposal procedures, upon third reading.

The bill passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Cockerham, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Ward, Warren, White, Wright, and Wynne — 41.

The bill is ordered enrolled.

H. B. 1390, a bill to authorize the issuance of three hundred million dollars in bonds of the State to provide funds for environmental improvement through grants to units of government for construction and improvement of wastewater treatment works, wastewater collection systems and water supply systems, upon third reading.

The following pair is announced: Senator Allred, "aye"; Senator Cavanagh, "no".

The bill passes its third reading by roll-call vote, ayes 31, noes 8, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Baker, Barnes, Creech, Daniels, Frye, Garrison, Gray, Hancock, Harrington, Harris, Jenkins, Johnson, Jordan, Marion, Marvin, McDuffie, Mills, Palmer, Raynor, Royall, Soles, Speed, Thomas of Craven, Vickery, Walker, Ward, Warren, White, and Wynne — 31.

Voting in the negative: Senators Ballenger, Boger, Cockerham, Lawing, Noble, Redman, Smith, and Wright — 8.

The bill is ordered enrolled.

H. B. 1391, a bill to amend the Charter of the City of Salisbury to authorize economic development projects, upon third reading.

The bill passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Baker, Ballenger, Barnes, Boger, Cavanagh, Cockerham, Daniels, Duncan, Frye, Garrison, Gray, Hancock, Hardison, Harrington, Harris, Jenkins, Jernigan, Johnson, Lawing, Marion, Marvin, McDuffie, Mills, Noble, Raynor, Redman, Royall, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Ward, Warren, White, Wright, and Wynne — 41.

The bill is ordered enrolled.

S. B. 776, a bill to amend the Charter of the City of Salisbury to authorize economic development projects, upon third reading.

On motion of Senator Boger, duly seconded, the bill is postponed indefinitely.

H. B. 1401, a bill regarding the distribution of Dare County ABC profits.

The bill passes its second and third readings and is ordered enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 1392, Committee
Substitute for **H. B. 1392**

HOUSE OF REPRESENTATIVES
October 9, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate amendment to **H. B. 1392**, Committee Substitute for **H. B. 1392**, a bill to be entitled an act to modify current operations and capital improvements appropriations for North Carolina State government for the fiscal year 1981-82 and to make other changes in the budget operations of the State, and requests conferees. The Speaker has appointed Representatives Watkins, Barnes, Foster, Adams, and Hux on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
GRACE COLLINS
Principal Clerk

Senator Hardison moves that the President appoint conferees, which motion prevails. The President appoints Senators Hardison, Lawing, Harris, Swain, and Warren as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

H. B. 1397HOUSE OF REPRESENTATIVES
October 8, 1981*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate amendment to **H. B. 1397**, a bill to be entitled an act to postpone the effective date of the Money Judgments and Exemptions Act, and requests conferees. The Speaker has appointed Representatives Pulley, Helms, Morgan, Mavretic, and Bob Etheridge on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,
GRACE COLLINS
Principal Clerk

Senator Thomas of Henderson moves that the President appoint conferees, which motion prevails. The President appoints Senators Thomas of Henderson, Barnes, Allsbrook, Mills, and Garrison as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

Senator Lawing moves that Rule 40 be suspended to allow the introduction of the following joint resolution, which motion prevails by a two-thirds majority vote.

By Senator Lawing:

S. J. R. 788, a joint resolution providing for the General Assembly to meet to consider reapportionment.

On motion of Senator Lawing, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger.

Senator Lawing moves that Rule 40 be suspended to allow the introduction of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Lawing:

S. B. 789, a bill to apportion the districts of the North Carolina Senate.

On motion of Senator Lawing, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger.

Senator Allsbrook moves that Rule 40 be suspended to allow the introduction of the following joint resolution, which motion prevails by a two-thirds majority vote.

October 9, 1981

By Senators White, Thomas of Craven, and Allsbrook:

S. J. R. 790, a joint resolution authorizing consideration of a joint resolution concerning a study of fox management.

On motion of Senator Allsbrook, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger.

Senator Allsbrook moves that Rule 40 be suspended to allow the introduction of the following joint resolution, which motion prevails by a two-thirds majority vote.

By Senators White, Thomas of Craven, and Allsbrook:

S. J. R. 787, a joint resolution directing the Wildlife Resources Commission to report to the General Assembly on fox management.

On motion of Senator Allsbrook, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger.

The Chair declares the Senate stands in recess until 4:00 P.M.

AFTERNOON SESSION

The Senate meets pursuant to recess and is called to order by the Honorable James C. Green, Lieutenant Governor.

The President grants a leave of absence for the Afternoon and Evening Sessions to Senator Royall, who is attending a Council of State Governments Executive Committee meeting in the capacity of Vice-Chairman, which is convening in Lexington, Kentucky.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. B. 1397

HOUSE OF REPRESENTATIVES
October 9, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **H. B. 1397**, a bill to be entitled an act to postpone the effective date of the Money Judgments and Exemptions Act, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
GRACE COLLINS
Principal Clerk

CONFERENCE REPORT

H. B. 1397

Senator Thomas of Henderson, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H. B. 1397**, a bill to postpone the effective date of the Money Judgments and Exemptions Act and amend the Act to regulate precious metal business, submits the following report:

To the President of the Senate and
the Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Bill 1397 wish to report as follows: That the House adopt Senate Amendment No. 1.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the day of

JAMES B. GARRISON

R. P. THOMAS

JULIAN R. ALLSBROOK

HENSON P. BARNES

W. D. MILLS

*Conferees on the part
of the Senate*

W. PAUL PULLEY

J. L. MAVRETIC

JIM MORGAN

BOBBY R. ETHERIDGE

H. PARKS HELMS

*Conferees on the part
of the House of Representatives*

On motion of Senator Thomas of Henderson, the Conference Report is adopted and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. J. R. 1427, a joint resolution providing for the General Assembly to meet to consider reapportionment.

On motion of Senator Allsbrook, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second reading and is temporarily displaced.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 1276, an act to amend Article 24A of Chapter 58 of the General Statutes, relating to mutual burial associations.

H. B. 1356, an act to increase license fees for hearing aid dealers and fitters to enable the Board to continue to be self-sustaining.

H. B. 1380, an act to allow the Town of Bridgeton to collect on motor vehicles a tax of not more than five dollars.

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H. B. 1387, an act to authorize the City of Raleigh to exercise certain land acquisition and disposal procedures.

H. B. 1390, an act to authorize the issuance of three hundred million dollars in bonds of the State to provide funds for environmental improvement through grants to units of government for construction and improvement of wastewater treatment works, wastewater collection systems and water supply systems.

H. B. 1391, an act to amend the Charter of the City of Salisbury to authorize economic development projects.

H. B. 1400, an act to authorize the State to grant utility easements across a portion of Jockeys Ridge State Park lying within the State Nature and Historic Preserve.

H. B. 1401, an act regarding the distribution of Dare County ABC profits.

H. B. 1402, an act to amend the Edenton Supplemental Retirement Fund.

H. B. 1422, an act providing a method of electing District Court Judges in Districts 17-A and 17-B.

WITHDRAWAL FROM COMMITTEE

On motion of Senator Hardison, the rules are suspended, and the following bills are taken from the **Appropriations Committee** and placed on the Calendar for immediate consideration.

S. B. 165, a bill to permit fox trapping under certain conditions in Rowan County.

Senator Allsbrook offers a motion that the bill be placed on the Calendar for June 2, 1982, which motion prevails.

S. B. 265, a bill to permit fox hunting with firearms under certain conditions in Avery and Wilkes Counties.

Senator Allsbrook offers a motion that the bill be placed on the Calendar for June 2, 1982, which motion prevails.

H. B. 305, a bill to permit fox trapping under certain conditions in Rowan County.

Senator Allsbrook offers a motion that the bill be placed on the Calendar for June 2, 1982, which motion prevails.

H. B. 492, a bill to permit fox harvesting under certain conditions in Currituck County.

Senator Allsbrook offers a motion that the bill be placed on the Calendar for June 2, 1982, which motion prevails.

H. B. 546, a bill to authorize the Wildlife Resource Commission to regulate the harvesting of foxes by firearms and trapping under certain conditions in Guilford County.

Senator Allsbrook offers a motion that the bill be placed on the Calendar for June 2, 1982, which motion prevails.

H. B. 555, a bill to permit fox trapping under certain conditions in Gates and Northampton Counties.

Senator Allsbrook offers a motion that the bill be placed on the Calendar for June 2, 1982, which motion prevails.

H. B. 666, Committee Substitute for **H. B. 666**, a bill to permit fox trapping under certain conditions in Tyrrell County.

Senator Allsbrook offers a motion that the Committee Substitute bill be placed on the Calendar for June 2, 1982, which motion prevails.

H. B. 700, a bill to authorize the Wildlife Resources Commission to regulate the harvesting of foxes by firearms and trapping under certain conditions in Sampson County.

Senator Allsbrook offers a motion that the bill be placed on the Calendar for June 2, 1982, which motion prevails.

H. B. 713, Senate Committee Substitute for **H. B. 713**, a bill pertaining to the regulation of fox harvesting.

Senator Allsbrook offers a motion that the Senate Committee Substitute bill be placed on the Calendar for June 2, 1982, which motion prevails.

H. B. 718, Committee Substitute for **H. B. 718**, a bill to permit fox trapping under certain conditions in certain counties.

Senator Allsbrook offers a motion that the Committee Substitute bill be placed on the Calendar for June 2, 1982, which motion prevails.

The Chair declares the Senate stands in recess until 8:00 P.M.

EVENING SESSION

The Senate meets pursuant to recess and is called to order by the Honorable James C. Green, Lieutenant Governor.

In the absence of the Chairman of the **Rules and Operation of the Senate Committee**, the Chair appoints Senator Allsbrook, a Vice-Chairman of the Committee, for the purpose of correcting typographical errors in the enrolling process.

REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

By Senator Hardison for the **Appropriations Committee**:

On motion of Senator Hardison, the rules are suspended and the following bills and resolutions are placed before the Senate for immediate consideration in the order reported from Committee.

S. B. 131, a bill to authorize the construction and financing, without appropriations from the General Fund, of a dormitory at UNC-Asheville, with a favorable report.

The bill passes its second reading by roll-call vote, ayes 31, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Baker, Barnes, Boger, Cock-erham, Creech, Duncan, Frye, Hancock, Hardison, Harris, Jernigan, Jordan, Marvin, Noble, Palmer, Raynor, Redman, Smith, Soles, Speed, Swain, Thomas of Craven, Thomas of Henderson, Vickery, Walker, Warren, White, Wright, and Wynne — 31.

The bill remains on the Calendar upon third reading.

S. B. 639, a bill to authorize the North Carolina Utilities Commission to employ temporary court reporters, with a favorable report.

The bill passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger.

S. B. 783, a bill to appropriate funds to study the White Oak and Neuse Rivers, with a favorable report.

The bill passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger.

S. B. 83, a bill to appropriate funds to promote production of the outdoor drama "Strike At the Wind," with a favorable report, as amended.

On motion of Senator Hardison, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger without engrossment.

S. B. 150, a bill to appropriate funds to complete the auditorium and library at the Folk Art Center of the Southern Highland Handicraft Guild, with a favorable report, as amended.

On motion of Senator Hardison, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger without engrossment.

S. B. 151, a bill to appropriate funds for developing additional exhibits, upgrading artifact storage and installing climate control and security systems in the Rural Life Museum at Mars Hill College, with a favorable report, as amended.

On motion of Senator Hardison, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger without engrossment.

S. B. 185, a bill to appropriate funds to the Department of Cultural Resources for the Faison Historic Commission, with a favorable report, as amended.

On motion of Senator Hardison Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger without engrossment.

S. B. 210, a bill to appropriate funds for a grant-in-aid to the Person Place Preservation Society, Inc., in Franklin County for the rehabilitation of the Person Place, with a favorable report, as amended.

On motion of Senator Hardison, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger without engrossment.

S. B. 225, a bill to establish the North Carolina Firemen's and Rescue Squad Workers' Pension Fund, with a favorable report, as amended.

On motion of Senator Hardison, Committee Amendment No. 2 is adopted.

The bill, as amended, passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger without engrossment.

S. B. 256, a bill to appropriate funds for the Mountain Horticultural Crops Research Station near Fletcher, with a favorable report, as amended.

On motion of Senator Hardison, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger without engrossment.

S. B. 267, a bill to provide funds for the treatment of hemophilia, with a favorable report, as amended.

On motion of Senator Hardison, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger without engrossment.

S. B. 286, a bill to appropriate funds for a vocational training building and equipment at the Eastern North Carolina School for the Deaf, with a favorable report, as amended.

On motion of Senator Hardison, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger without engrossment.

S. B. 309, a bill appropriating funds to the Department of Cultural Resources for the use of Old Salem in interpreting the history and culture of Eighteenth Century Piedmont North Carolina for school children with adult visitors, with a favorable report, as amended.

On motion of Senator Hardison, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger without engrossment.

S. B. 316, a bill to appropriate funds for the Young Men's Institute Building in Asheville, Buncombe County, with a favorable report, as amended.

On motion of Senator Hardison, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger without engrossment.

S. B. 377, a bill to appropriate funds for a grant-in-aid to the Flora MacDonald Educational Foundation, Inc., in Robeson County, with a favorable report, as amended.

On motion of Senator Hardison, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger without engrossment.

S. B. 398, a bill concerning the establishment of a museum service branch of the North Carolina Museum of History in Old Fort, with a favorable report, as amended.

On motion of Senator Hardison, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger without engrossment.

S. B. 412, a bill to appropriate funds for restoration of the Hoffman Hotel, with a favorable report, as amended.

On motion of Senator Hardison, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger without engrossment.

S. B. 425, a bill to appropriate funds to the Department of Agriculture to construct a farmers' market in Goldsboro, with a favorable report, as amended.

On motion of Senator Hardison, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger without engrossment.

S. B. 432, a bill to appropriate additional funds to the Library Resources Program, with a favorable report, as amended.

On motion of Senator Hardison, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger without engrossment.

S. B. 464, a bill to appropriate funds for a new roof and repairs to the Lakeland Arts Center, with a favorable report, as amended.

On motion of Senator Hardison, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger without engrossment.

S. B. 522, a bill to appropriate funds for the Town Creek Indian Mound State Historic Site, with a favorable report, as amended.

On motion of Senator Hardison, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger without engrossment.

S. B. 577, a bill to assess a fee for each nuclear electric generating plant located in North Carolina for the purpose of deferring the costs of planning emergency response as required by the Federal Emergency Management Agency, with a favorable report, as amended.

On motion of Senator Hardison, Committee Amendment No. 1 is adopted.

Senator Johnson offers Amendment No. 2, which is adopted changing the title to read, **S. B. 577**, a bill to allow a fee for each nuclear electric generating plant located in North Carolina for the purpose of deferring the costs of planning emergency response as required by the Federal Emergency Management Agency.

The bill, as amended, passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger without engrossment.

S. B. 607, a bill to appropriate funds for an additional staff member for The Health Adventure in Buncombe County, with a favorable report, as amended.

On motion of Senator Hardison, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger without engrossment.

S. B. 638, a bill to appropriate funds for the North Carolina Museum of Life and Science, with a favorable report, as amended.

On motion of Senator Hardison, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger without engrossment.

S. B. 667, a bill to appropriate funds to the Department of Natural Resources and Community Development for a cooperative program with the North Carolina Botanical Gardens, with a favorable report, as amended.

On motion of Senator Hardison, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger without engrossment.

S. B. 725, a bill to appropriate funds for the operation of the Weymouth Center in Moore County, with a favorable report, as amended.

On motion of Senator Hardison, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger without engrossment.

S. B. 727, a bill to appropriate funds to the Department of Human Resources for a State adult care fund, with a favorable report, as amended.

On motion of Senator Hardison, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger without engrossment.

S. B. 774, a bill to appropriate funds for the Liberty Cart historical drama in Duplin County, with a favorable report, as amended.

On motion of Senator Hardison, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger without engrossment.

S. B. 779, a bill to appropriate funds to the Department of Human Resources for the Wilderness Camping Program, with a favorable report, as amended.

On motion of Senator Hardison, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger without engrossment.

S. B. 784, a bill to appropriate funds to the Schiele Museum of Natural History and Planetarium, Inc., with a favorable report, as amended.

On motion of Senator Hardison, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger without engrossment.

H. B. 835, a bill to appropriate funds to the Department of Cultural Resources for a grant to the Carolina Theatre in Greensboro, with a favorable report, as amended.

On motion of Senator Hardison, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1 by Special Messenger.

S. B. 501, a bill to appropriate funds for the Jacob Swamp Watershed, and to name the recreational area as the Senator Luther J. Britt, Jr., Memorial Greenway, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hardison, the Committee Substitute bill is adopted, changing the title to read **S. B. 501**, Committee Substitute for **S. B. 501**, a bill to appropriate funds for the Senator Luther J. Britt, Jr., Memorial Greenway located in the Jacob Swamp Watershed, and without objection, the bill remains on the Calendar for further consideration.

The Committee Substitute bill passes its second and third readings and is ordered, without objection, sent to the House of Representatives by Special Messenger.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

On motion of Senator Hardison, the rules are suspended and the following bills and resolutions are placed before the Senate for immediate consideration in the order received.

H. B. 70, a bill to appropriate funds for an animal diagnostic laboratory in northwestern North Carolina.

The bill passes its second and third readings and is ordered enrolled.

H. B. 76, a bill to appropriate funds for the purchase, relocation and restoration of the Henry Stevens Carson House in Buncombe County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 107, a bill to appropriate funds for a bulkhead for Historic Bath Peninsula.

The bill passes its second and third readings and is ordered enrolled.

H. B. 138, a bill to appropriate funds to the Department of Cultural Resources to help expand North Carolina's statewide revolving fund for historic preservation.

The bill passes its second and third readings and is ordered enrolled.

H. B. 154, a bill to appropriate funds for Historic Halifax.

The bill passes its second and third readings and is ordered enrolled.

H. B. 157, a bill to appropriate funds to the Division of Mental Health, Mental Retardation and Substance Abuse Services, Department of Human Resources for the purpose of assisting area programs in providing community support services to chronically mentally ill persons.

The bill passes its second and third readings and is ordered enrolled.

H. B. 160, a bill to appropriate funds to assist the restoration of Harmony Hall in the City of Kinston.

The bill passes its second and third readings and is ordered enrolled.

H. B. 181, a bill to appropriate money to the Department of Crime Control and Public Safety for the maintenance of the National Guard Armory in the City of Henderson, Vance County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 204, a bill to appropriate funds to the Department of Cultural Resources for the acquisition, development, and operation of a visitor center for Historic Edenton, Inc. and the James Iredell House State Historic Site.

The bill passes its second and third readings and is ordered enrolled.

H. B. 205, a bill to appropriate funds to the Department of Correction for a vocational skills training building at the Women's Correctional Center in Raleigh.

The bill passes its second and third readings and is ordered enrolled.

H. B. 226, a bill to amend Article 3 of Chapter 122 of the General Statutes to assure continuity of residential care or treatment for persons with mental retardation.

The bill passes its second and third readings and is ordered enrolled.

H. B. 259, a bill to appropriate funds to repair the lower lake and dam at the Brevard Music Center as required by the Department of Natural Resources and Community Development.

The bill passes its second and third readings and is ordered enrolled.

H. B. 260, a bill to appropriate capital funds to supplement the appropriation recommendation for Thoms Rehabilitation Hospital in the budget recommended by the Governor and Advisory Budget Commission.

The bill passes its second and third readings and is ordered enrolled.

H. B. 273, a bill to appropriate funds for the University Botanical Gardens at Asheville.

The bill passes its second and third readings and is ordered enrolled.

H. B. 332, a bill to create the Advisory Committee on Abandoned Cemeteries and to provide for the collection of cemetery data in North Carolina.

The bill passes its second and third readings and is ordered enrolled.

H. B. 342, a bill to appropriate funds for a farmer's market in Montgomery County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 366, a bill to provide funds for cattle feeding research at Tidewater Research Station.

The bill passes its second and third readings and is ordered enrolled.

H. B. 376, a bill to provide funds for market development for North Carolina's agricultural products.

The bill passes its second and third readings and is ordered enrolled.

H. B. 378, a bill to appropriate funds to purchase materials for a solar heated dormitory at the John C. Campbell Folk School.

The bill passes its second and third readings and is ordered enrolled.

H. B. 171, Committee Substitute for **H. B. 171**, a bill to appropriate funds to the Department of Administration for a reserve to hold the Methodist Home property.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

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ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. J. R. 790, a joint resolution authorizing consideration of a joint resolution concerning a study of fox management.

S. J. R. 787, a joint resolution directing the Wildlife Resources Commission to report to the General Assembly on fox management.

S. B. 781, an act to place Randolph County under the statewide fox hunting laws.

H. B. 1097, Committee Substitute for **H. B. 1097**, an act to amend G. S. 135-8(b)(5) and G. S. 128-30(b)(4) to provide alternative means of purchasing retirement service credits for educational programs.

H. B. 1397, an act to postpone the effective date of the Money Judgments and Exemptions Act and amend the Act to regulate precious metal business.

RECALL FROM HOUSE

S. B. 789, a bill to apportion the districts of the North Carolina Senate.

Senator White offers a motion that the bill be recalled from the House of Representatives for further consideration, which motion prevails. The Chair orders a message sent to that Honorable Body requesting return of the bill.

H. B. 835, a bill to appropriate funds to the Department of Cultural Resources for a grant to the Carolina Theatre in Greensboro, as amended.

Senator Hardison offers a motion that the bill be recalled from the House of Representatives for further consideration, which motion prevails. The Chair orders a message sent to that Honorable Body requesting return of the bill, as amended.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S. B. 789

HOUSE OF REPRESENTATIVES
October 9, 1981

Mr. President:

Pursuant to your request, we are returning Senate Bill 789, a bill entitled an act to apportion the districts of the North Carolina Senate, for your further consideration.

Respectfully,
GRACE COLLINS
Principal Clerk

On motion of Senator White, the bill is placed before the Senate for immediate consideration.

Senator White moves that the vote by which the bill passed its third reading be reconsidered, which motion prevails.

Senator White moves that the vote by which the bill passed its second reading be reconsidered, which motion prevails.

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On motion of Senator White, the bill is re-referred to the **Redistricting - Senate Committee.**

H. B. 835

HOUSE OF REPRESENTATIVES
October 9, 1981

Mr. President:

Pursuant to your request, we are returning House Bill 835, a bill to be entitled an act to appropriate funds to the Department of Cultural Resources for a grant to the Carolina Theatre in Greensboro, for your further consideration.

Respectfully,
GRACE COLLINS
Principal Clerk

On motion of Senator Hardison, the bill, as amended, is placed before the Senate for immediate consideration.

Senator Hardison moves that the vote by which the bill, as amended, passed its third reading be reconsidered, which motion prevails.

Senator Hardison moves that the vote by which the bill, as amended, passed its second reading be reconsidered, which motion prevails.

Senator Hardison moves that the vote by which Amendment No. 1 was adopted be reconsidered, which motion prevails. Without objection, the bill is temporarily displaced.

H. B. 835

HOUSE OF REPRESENTATIVES
October 9, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body requesting the return of House Bill 835, a bill to be entitled an act to appropriate funds to the Department of Cultural Resources for a grant to the Carolina Theatre in Greensboro, for further consideration by the House of Representatives.

Respectfully,
GRACE COLLINS
Principal Clerk

On motion of Senator Hardison, the bill is returned to the House of Representatives for further consideration.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 70, an act to appropriate funds for an animal diagnostic laboratory in northwestern North Carolina.

H. B. 76, an act to appropriate funds for the purchase, relocation and restoration of the Henry Stevens Carson House in Buncombe County.

H. B. 107, an act to appropriate funds for a bulkhead for Historic Bath Peninsula.

October 9, 1981

H. B. 138, an act to appropriate funds to the Department of Cultural Resources to help expand North Carolina's statewide revolving fund for historic preservation.

H. B. 154, an act to appropriate funds for Historic Halifax.

H. B. 157, an act to appropriate funds to the Division of Mental Health, Mental Retardation and Substance Abuse Services, Department of Human Resources for the purpose of assisting area programs in providing community support services to chronically mentally ill persons.

H. B. 160, an act to appropriate funds to assist the restoration of Harmony Hall in the City of Kinston.

H. B. 181, an act to appropriate money to the Department of Crime Control and Public Safety for the maintenance of the National Guard Armory in the City of Henderson, Vance County.

H. B. 204, an act to appropriate funds to the Department of Cultural Resources for the acquisition, development, and operation of a visitor center for Historic Edenton, Inc. and the James Iredell House State Historic Site.

H. B. 205, an act to appropriate funds to the Department of Correction for a vocational skills training building at the Women's Correctional Center in Raleigh.

H. B. 226, an act to amend Article 3 of Chapter 122 of the General Statutes to assure continuity of residential care or treatment for persons with mental retardation.

H. B. 259, an act to appropriate funds to repair the lower lake and dam at the Brevard Music Center as required by the Department of Natural Resources and Community Development.

H. B. 260, an act to appropriate capital funds to supplement the appropriation recommendation for Thoms Rehabilitation Hospital in the budget recommended by the Governor and Advisory Budget Commission.

H. B. 273, an act to appropriate funds for the University Botanical Gardens at Asheville.

H. B. 332, an act to create the Advisory Committee on Abandoned Cemeteries and to provide for the collection of cemetery data in North Carolina.

H. B. 342, an act to appropriate funds for a farmer's market in Montgomery County.

H. B. 366, an act to provide funds for cattle feeding research at Tidewater Research Station.

H. B. 376, an act to provide funds for market development for North Carolina's agricultural products.

H. B. 378, an act to appropriate funds to purchase materials for a solar heated dormitory at the John C. Campbell Folk School.

H. B. 171, Committee Substitute for **H. B. 171**, an act to appropriate funds to the Department of Administration for a reserve to hold the Methodist Home property.

S. B. 639, an act to authorize the North Carolina Utilities Commission to employ temporary court reporters.

October 9, 1981

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

H. J. R. 1427, a joint resolution providing for the General Assembly to meet to consider reapportionment, upon third reading.

Senator Swain offers Amendment No. 1 which is adopted.

The joint resolution, as amended, passes its third reading and is ordered returned to the House of Representatives for concurrence in Senate Amendment No. 1.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

On motion of Senator Hardison, the rules are suspended and the following bills and resolutions are placed before the Senate for immediate consideration in the order received.

H. B. 389, a bill to provide funds for the Livestock Feed Advisory Service.

The bill passes its second and third readings and is ordered enrolled.

H. B. 402, a bill to appropriate funds for the completion of the rehabilitation of the Grove (Blount-Bridgers House) in Tarboro for use as an art gallery, arts educational center and community civic center.

The bill passes its second and third readings and is ordered enrolled.

H. B. 403, a bill to appropriate funds for a new southeastern regional State office building in Fayetteville, North Carolina.

The bill passes its second and third readings and is ordered enrolled.

H. B. 404, a bill to appropriate funds for the installation of security and fire alarm systems and to develop additional exhibits to Historic Bethabara, Inc.

The bill passes its second and third readings and is ordered enrolled.

H. B. 421, a bill to appropriate funds for the development and improvement of the Snow Camp Drama Society's historic and cultural activities and programs.

The bill passes its second and third readings and is ordered enrolled.

H. B. 424, a bill to appropriate funds for a grant-in-aid to Historic Cabarrus, Inc., in Cabarrus County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 447, a bill to provide additional supervisory personnel at the Tidewater and Clinton Research Stations.

The bill passes its second and third readings and is ordered enrolled.

H. B. 487, a bill to appropriate funds for a farmers' market in New Bern.

The bill passes its second and third readings and is ordered enrolled.

H. B. 496, a bill to appropriate funds for the development of interpretive exhibits and to upgrade storage facilities at the Cleveland County Historical Museum.

The bill passes its second and third readings and is ordered enrolled.

H. B. 508, a bill to provide funds for the Epilepsy Information Service

The bill passes its second and third readings and is ordered enrolled.

H. B. 512, a bill to appropriate funds for community-based alternative programs for juveniles.

The bill passes its second and third readings and is ordered enrolled.

H. B. 527, a bill to appropriate funds for a wildlife landing on the Roanoke River in Northampton County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 543, a bill to appropriate funds for the Hotel Freeman (Pearl) Historical Site in Windsor.

The bill passes its second and third readings and is ordered enrolled.

H. B. 545, a bill to appropriate funds to the department of Natural Resources and Community Development for the National Main Street Center Project.

The bill passes its second and third readings and is ordered enrolled.

H. B. 577, a bill to appropriate funds for a grant-in-aid to Historic Jamestown Society, Inc., in Guilford County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 579, a bill to appropriate funds for a grant-in-aid for the restoration and rehabilitation of the Old Union County Courthouse.

The bill passes its second and third readings and is ordered enrolled.

H. B. 581, a bill to appropriate funds for the North Carolina Rhododendron Festival in Mitchell County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 583, a bill to appropriate funds for the John Carson House at Pleasant Gardens in McDowell County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 585, a bill to appropriate funds for historic preservation in the Town of Murfreesboro.

The bill passes its second and third readings and is ordered enrolled.

H. B. 612, a bill to appropriate funds for planning an Andrew Jackson Memorial.

The bill passes its second and third readings and is ordered enrolled.

H. B. 622, a bill to appropriate funds for the continued restoration of the deRosset House in Wilmington.

The bill passes its second and third readings and is ordered enrolled.

H. B. 636, a bill to appropriate additional funds to the North Carolina Agency for Public Telecommunications for its media operations.

The bill passes its second and third readings and is ordered enrolled.

H. B. 641, a bill to enhance the Highway Historical Marker Program.

The bill passes its second and third readings and is ordered enrolled.

H. B. 646, a bill to appropriate funds to move and rehabilitate Historic Richmond Hill House in Buncombe County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 651, a bill to appropriate funds for a survey of historically and architecturally significant structures in the City of Burlington in Alamance County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 668, a bill to appropriate funds to preserve and restore the Governor David S. Reid House in Reidsville, Rockingham County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 671, a bill to appropriate funds for the Old Caswell County Courthouse in Yanceyville.

The bill passes its second and third readings and is ordered enrolled.

H. B. 672, a bill to appropriate funds to assist in the continued restoration of Person's Ordinary in Warren County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 703, a bill to appropriate funds to the Town of Warrenton, Warren County, to aid in repair of a water storage tank.

The bill passes its second and third readings and is ordered enrolled.

H. B. 724, a bill to appropriate funds for construction of a boat ramp in Brunswick County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 733, a bill to provide funds to increase the foster care board rate.

The bill passes its second and third readings and is ordered enrolled.

H. B. 594, a bill to appropriate matching funds to assist in the continued restoration of Stonewall in Nash County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 112, Committee Substitute for **H. B. 112**, a bill to make adjustments in the salaries for certain school employees adversely affected by the recent salary schedule revision.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 212, a bill to appropriate funds for the Hoke County Headquarters of the Division of Forest Resources.

The bill passes its second and third readings and is ordered enrolled.

H. B. 5, Committee Substitute for **H. B. 5**, a bill to raise property tax homestead exemption.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 540, Committee Substitute for **H. B. 540**, a bill to provide additional assistance to the Department of Justice.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 741, a bill to appropriate matching funds to assist in the rehabilitation of the Carolina Theater in Robeson County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 745, a bill to provide funds for expansion of the Oxford Tobacco Research Station.

The bill passes its second and third readings and is ordered enrolled.

H. B. 747, Committee Substitute for **H. B. 747**, a bill to create a legislative commission to study the water pollution problems and water resources needs of the Chowan River Basin and the Albemarle Sound Basin.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 754, a bill to appropriate funds to the Department of Natural Resources and Community Development, Division of Marine Fisheries, to allow the Division to continue to protect public health and public resources and to increase shellfish rehabilitation and management efforts and to make other appropriations.

The bill passes its second and third readings and is ordered enrolled.

H. B. 755, a bill to appropriate funds for the installation of exhibits to the Granville County Museum Commission, Inc.

The bill passes its second and third readings and is ordered enrolled.

H. B. 776, a bill to appropriate funds to Cherokee County for improvements to the Southwestern North Carolina Livestock-Produce Market and Mountain Folk Center.

The bill passes its second and third readings and is ordered enrolled.

H. B. 795, a bill to appropriate funds for a grant-in-aid to Mill Prong Preservation, Inc., in Hoke County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 824, a bill to appropriate funds to the Department of Cultural Resources for arts programs and community arts development.

The bill passes its second and third readings and is ordered enrolled.

H. B. 832, a bill to make an appropriation for the Dispute Settlement Center.

The bill passes its second and third readings and is ordered enrolled.

H. B. 849, a bill to provide funds for the Ashe County Adult Developmental Activity Program.

The bill passes its second and third readings and is ordered enrolled.

H. B. 850, a bill to provide funds for an Elizabeth City Sheltered Workshop.

The bill passes its second and third readings and is ordered enrolled.

H. B. 865, a bill to appropriate funds for the operation of the Morehead Planetarium.

The bill passes its second and third readings and is ordered enrolled.

H. B. 878, a bill to rewrite and relocate G. S. 14-139 relating to setting fires in certain areas.

The bill passes its second and third readings and is ordered enrolled.

H. B. 900, Committee Substitute for **H. B. 900**, a bill to provide funds for prenatal care for eligible pregnant women.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 916, a bill appropriating funds to the Department of Agriculture for two seed analysts.

The bill passes its second and third readings and is ordered enrolled.

H. B. 919, Committee Substitute for **H. B. 919**, a bill to appropriate funds to the Department of Cultural Resources for the outdoor drama *Unto These Hills*.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 932, a bill to appropriate funds for rehabilitation of the James A. Campbell House, Buies Creek.

The bill passes its second and third readings and is ordered enrolled.

H. B. 935, a bill to appropriate funds for Swansboro's 200th Anniversary celebration.

The bill passes its second and third readings and is ordered enrolled.

H. B. 959, Committee Substitute for **H. B. 959**, a bill to authorize the Legislative Research Commission to study the organization of a Department of Natural Resources, including State programs on environmental health, natural resources management, and environmental protection.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 982, a bill to appropriate funds for the preservation and restoration of the Richmond Hill Law School in Yadkin County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 992, Committee Substitute for **H. B. 992**, a bill to provide liability insurance coverage for the law enforcement officers and law enforcement support personnel employed by the State.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H. B. 1000, a bill to appropriate funds for the support of the North Carolina Shakespeare Festival, Incorporated.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1006, a bill to appropriate funds to assist local governments with problems of solid waste.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1035, a bill to appropriate funds to the Division of Archives and History for publication of a brief history of Rockingham County.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1057, a bill to appropriate funds to continue the restoration of the Historic Spencer Railroad Shops.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1072, a bill to provide overtime compensation for State Forestry employees involved in fighting forest fires.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1100, a bill to appropriate funds for an area senior citizens' center in Charlotte.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1143, a bill to adopt the Quality Assurance Program established jointly by the State Board of Education and the Board of Governors of the University of North Carolina and to appropriate funds for that purpose.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1145, a bill to appropriate funds for the construction of the World of the Underground Exhibit at the Western North Carolina Nature Center in Asheville.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1170, a bill to allow prior service credit for temporary State employment in the Teachers' and State Employees' Retirement System.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1172, a bill to permit the use of State grant funds to cover certain direct administrative and service costs and to modify the Department of Transportation's authority to conduct safety projects at public airports.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1241, a bill appropriating funds to the North Carolina Department of Agriculture to establish a regional farmers market at Charlotte.

On motion of Senator Hardison the bill is temporarily displaced.

H. B. 1250, a bill to appropriate funds to the Lake Waccamaw State Park.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1370, a bill to appropriate funds for programs which reduce drug related crime and criminal recidivism among substance abusing offenders.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1376, a bill to appropriate funds to the Department of Human Resources to establish a comprehensive in-home screening service.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1394, a bill to appropriate funds from the General Fund to the Department of Justice for special fund money.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1396, a bill to appropriate funds for the American Dance Festival.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1404, a bill to appropriate funds for a truck driver training program facility at Johnston Technical College.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1424, a bill to appropriate funds for the Frank Holder Dance Company.

The bill passes its second and third readings and is ordered enrolled.

H. B. 1426, a bill to allow the expenditure of surplus soil and water conservation grant funds for the Country Line Creek Watershed Project to be used to construct a bridge on SR 1131 across the Project.

The bill passes its second and third readings and is ordered enrolled.

H. B. 835, a bill to appropriate funds to the Department of Cultural Resources for a grant to the Carolina Theatre in Greensboro.

The bill passes its second and third readings and is ordered enrolled.

On motion of Senator Allsbrook, duly seconded, the Senate adjourns to meet tomorrow at 8:30 A.M.

ONE HUNDRED THIRTY-SECOND DAY

SENATE CHAMBER,
Saturday, October 10, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Honorable Glenn R. Jernigan, Senator from Cumberland County.

Senator Hardison for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

Leaves of absence granted previously to Senators Allred, Clarke, Mathis, Rauch, and Royall are noted.

APPOINTMENT OF COMMITTEE MEMBER

Changes in committee appointments are noted as follows:

Redistricting - Senate Committee: Senator Frye is added as a member. Senator Gray is removed.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 131, a bill to authorize the construction and financing, without appropriations from the General Fund, of a dormitory at UNC-Asheville, upon third reading.

The bill passes its third reading by roll-call vote, ayes 27, noes 0, as follows:

Voting in the affirmative: Senators Alford, Allsbrook, Baker, Barnes, Boger, Cockerham, Duncan, Frye, Garrison, Gray, Hardison, Harris, Jernigan, Johnson, Jordan, Marvin, Mills, Palmer, Redman, Smith, Speed, Swain, Vickery, Walker, Warren, White, and Wright — 27.

The bill is ordered, without objection, sent to the House of Representatives by Special Messenger.

H. B. 1241, a bill appropriating funds to the North Carolina Department of Agriculture to establish a regional farmers market at Charlotte.

The bill passes its second and third readings and is ordered enrolled.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S. B. 577, a bill to allow a fee for each nuclear electric generating plant located in North Carolina for the purpose of deferring the costs of planning emergency response as required by the Federal Emergency Management Agency, for concurrence in House Amendment No. 1.

On motion of Senator Johnson, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

On motion of Senator Johnson, the Senate concurs in House Amendment No. 1 and the bill is ordered enrolled.

H. B. 1392, Committee
Substitute for **H. B. 1392**

HOUSE OF REPRESENTATIVES
October 9, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **H. B. 1392**, Committee Substitute for **H. B. 1392**, a bill to be entitled an act to modify current operations and capital improvements appropriations for North Carolina State government for the fiscal year 1981-82 and to make other changes in the budget operations of the State, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,
GRACE COLLINS
Principal Clerk

CONFERENCE REPORT

H. B. 1392, Committee
Substitute for **H. B. 1392**

Senator Hardison, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H. B. 1392**, Committee Substitute for **H. B. 1392**, a bill to modify current operations and capital improvements appropriations for North Carolina State Government for the fiscal year 1981-82 and to make other changes in the budget operations of the State, submits the following report:

To the President of the Senate and
the Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on C. S. for **H. B. 1392**, a bill to be entitled an act to modify current operations and capital improvements appropriations for North Carolina State Government for the fiscal year 1981-82 and to make other changes in the budget operations of the State, wish to report as follows:

The House concurs in Senate Amendment #1 adopted October 8, 1981, and the conferees agree on the following language to be inserted on page 47, line 23, after the word "drivers" as follows:

October 10, 1981

“; provided that as to certified school personnel, this section shall be implemented upon a study and report of the Governmental Operations Committee to the 1983 General Assembly containing its recommendations as to the entire salary schedule for educators, including whether this section should be continued to be implemented and, if so, whether it should also be made to apply to teachers.”

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 9th day of October.

HAROLD W. HARDISON

ROBERT D. WARREN

ROBERT S. SWAIN

J. OLLIE HARRIS

CONRAD DUNCAN

*Conferees on the part
of the Senate*

WILLIAM T. WATKINS

ALLEN ADAMS

GEORGE A. HUX

RICHARD W. BARNES

JO GRAHAM FOSTER

*Conferees on the part
of the House of Representatives*

On motion of Senator Hardison, the Conference Report is adopted and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

S. B. 783, an act to appropriate funds to study the White Oak and Neuse Rivers.

S. B. 83, an act to appropriate funds to promote production of the outdoor drama “Strike At The Wind.”

S. B. 150, an act to appropriate funds to complete the auditorium and library at the Folk Art Center of the Southern Highland Handicraft Guild.

S. B. 151, an act to appropriate funds for developing additional exhibits, upgrading artifact storage and installing climate control and security systems in the Rural Life Museum at Mars Hill College.

S. B. 185, an act to appropriate funds to the Department of Cultural Resources for the Faison Historic Commission.

S. B. 210, an act to appropriate funds for a grant-in-aid to the Person Place Preservation Society, Inc., in Franklin County for the rehabilitation of the Person Place.

S. B. 225, an act to establish the North Carolina Firemen's and Rescue Squad Workers' Pension Fund.

S. B. 256, an act to appropriate funds for the Mountain Horticultural Crops Research Station near Fletcher.

S. B. 267, an act to provide funds for the treatment of hemophilia.

S. B. 286, an act to appropriate funds for a vocational training building and equipment at the Eastern North Carolina School for the Deaf.

S. B. 309, an act appropriating funds to the Department of Cultural Resources for the use of Old Salem in interpreting the history and culture of Eighteenth Century Piedmont North Carolina for school children with adult visitors.

S. B. 316, an act to appropriate funds for the Young Men's Institute Building in Asheville, Buncombe County.

S. B. 377, an act to appropriate funds for a grant-in-aid to the Flora MacDonald Educational Foundation, Inc., in Robeson County.

S. B. 398, an act concerning the establishment of a museum service branch of the North Carolina Museum of History in Old Fort.

S. B. 412, an act to appropriate funds for restoration of the Hoffman Hotel.

S. B. 425, an act to appropriate funds to the Department of Agriculture to construct a farmers' market in Goldsboro.

S. B. 464, an act to appropriate funds for a new roof and repairs to the Lakeland Arts Center.

S. B. 432, an act to appropriate additional funds to the Library Resources Program.

S. B. 501, Committee Substitute for **S. B. 501**, an act to appropriate funds for the Senator Luther J. Britt, Jr., Memorial Greenway located in the Jacob Swamp Watershed.

S. B. 522, an act to appropriate funds for the Town Creek Indian Mound State Historic Site.

H. B. 1057, an act to appropriate funds to continue the restoration of the Historic Spencer Railroad Shops.

S. B. 607, an act to appropriate funds for an additional staff member for The Health Adventure in Buncombe County.

S. B. 638, an act to appropriate funds for the North Carolina Museum of Life and Science.

S. B. 667, an act to appropriate funds to the Department of Natural Resources and Community Development for a cooperative program with the North Carolina Botanical Gardens.

S. B. 725, an act to appropriate funds for the operation of the Weymouth Center in Moore County.

S. B. 727, an act to appropriate funds to the Department of Human Resources for a State adult care fund.

S. B. 774, an act to appropriate funds for the Liberty Cart historical drama in Duplin County.

S. B. 779, an act to appropriate funds to the Department of Human Resources for the Wilderness Camping Program.

S. B. 784, an act to appropriate funds to the Schiele Museum of Natural History and Planetarium, Inc.

H. B. 5, Committee Substitute for **H. B. 5**, an act to raise property tax homestead exemption.

H. B. 112, Committee Substitute for **H. B. 112**, an act to make adjustments in the salaries for certain school employees adversely affected by the recent salary schedule revision.

H. B. 212, an act to appropriate funds for the Hoke County Headquarters of the Division of Forest Resources.

H. B. 389, an act to provide funds for the Livestock Feed Advisory Service.

H. B. 402, an act to appropriate funds for the completion of the rehabilitation of the Grove (Blount-Bridgers House) in Tarboro for use as an art gallery, arts educational center and community civic center.

H. B. 403, an act to appropriate funds for a new southeastern regional State office building in Fayetteville, North Carolina.

H. B. 404, an act to appropriate funds for the installation of security and fire alarm systems and to develop additional exhibits to Historic Bethabara, Inc.

H. B. 421, an act to appropriate funds for the development and improvement of the Snow Camp Drama Society's historic and cultural activities and programs.

H. B. 424, an act to appropriate funds for a grant-in-aid to Historic Cabarrus, Inc., in Cabarrus County.

H. B. 447, an act to provide additional supervisory personnel at the Tidewater and Clinton Research Stations.

H. B. 487, an act to appropriate funds for a farmers' market in New Bern.

H. B. 496, an act to appropriate funds for the development of interpretive exhibits and to upgrade storage facilities at the Cleveland County Historical Museum.

H. B. 508, an act to provide funds for the Epilepsy Information Service.

H. B. 512, an act to appropriate funds for community-based alternative programs for juveniles.

H. B. 527, an act to appropriate funds for a wildlife landing on the Roanoke River.

H. B. 540, Committee Substitute for **H. B. 540**, an act to provide additional assistance to the Department of Justice.

H. B. 543, an act to appropriate funds for the Hotel Freeman (Pearl) Historical Site in Windsor.

H. B. 545, an act to appropriate funds to the Department of Natural Resources and Community Development for the National Main Street Center Project.

H. B. 577, an act to appropriate funds for a grant-in-aid to Historic Jamestown Society, Inc., in Guilford County.

H. B. 579, an act to appropriate funds for a grant-in-aid for the restoration and rehabilitation of the Old Union County Courthouse.

H. B. 581, an act to appropriate funds for the North Carolina Rhododendron Festival in Mitchell County.

H. B. 583, an act to appropriate funds for the John Carson House at Pleasant Gardens in McDowell County.

H. B. 585, an act to appropriate funds for historic preservation in the Town of Murfreesboro.

H. B. 594, an act to appropriate matching funds to assist in the continued restoration of Stonewall in Nash County.

H. B. 612, an act to appropriate funds for planning an Andrew Jackson Memorial.

H. B. 622, an act to appropriate funds for the continued restoration of the deRosset House in Wilmington.

H. B. 636, an act to appropriate additional funds to the North Carolina Agency for Public Telecommunications for its media operations.

H. B. 641, an act to enhance the Highway Historical Marker Program.

H. B. 646, an act to appropriate funds to move and rehabilitate Historic Richmond Hill House in Buncombe County.

H. B. 651, an act to appropriate funds for a survey of historically and architecturally significant structures in the City of Burlington in Alamance County.

H. B. 668, an act to appropriate funds to preserve and restore the Governor David S. Reid House in Reidsville, Rockingham County.

H. B. 671, an act to appropriate funds for the Old Caswell County Courthouse in Yanceyville.

H. B. 672, an act to appropriate funds to assist in the continued restoration of Person's Ordinary in Warren County.

H. B. 703, an act to appropriate funds to the Town of Warrenton, Warren County, to aid in repair of a water storage tank.

H. B. 724, an act to appropriate funds for construction of a boat ramp in Brunswick County.

H. B. 733, an act to provide funds to increase the foster care board rate.

H. B. 741, an act to appropriate matching funds to assist in the rehabilitation of the Carolina Theater in Robeson County.

H. B. 745, an act to provide funds for expansion of the Oxford Tobacco Research Station.

H. B. 747, Committee Substitute for **H. B. 747**, an act to create a legislative commission to study the water pollution problems and water resources needs of the Chowan River Basin and the Albemarle Sound Basin.

H. B. 1426, an act to allow the expenditure of surplus soil and water conservation grant funds for the Country Line Creek Watershed Project to be used to construct a

bridge on SR 1131 across the Project.

H. B. 755, an act to appropriate funds for the installation of exhibits to the Granville County Museum Commission, Inc.

H. B. 776, an act to appropriate funds to Cherokee County for improvements to the Southwestern North Carolina Livestock-Produce Market and Mountain Folk Center.

H. B. 795, an act to appropriate funds for a grant-in-aid to Mill Prong Preservation, Inc., in Hoke County.

H. B. 824, an act to appropriate funds to the Department of Cultural Resources for arts programs and community arts development.

H. B. 832, an act to make an appropriation for the Dispute Settlement Center.

H. B. 849, an act to provide funds for the Ashe County Adult Developmental Activity Program.

H. B. 850, an act to provide funds for an Elizabeth City Sheltered Workshop.

H. B. 865, an act to appropriate funds for the operation of the Morehead Planetarium.

H. B. 878, an act to rewrite and relocate G. S. 14-139 relating to setting fires in certain areas.

H. B. 900, Committee Substitute for **H. B. 900**, an act to provide funds for prenatal care for eligible pregnant women.

H. B. 916, an act appropriating funds to the Department of Agriculture for two seed analysts.

H. B. 919, Committee Substitute for **H. B. 919**, an act to appropriate funds to the Department of Cultural Resources for the outdoor drama Unto These Hills.

H. B. 935, an act to appropriate funds for Swansboro's 200th Anniversary celebration.

H. B. 932, an act to appropriate funds for rehabilitation of the James A. Campbell House, Buies Creek.

H. B. 1072, an act to provide overtime compensation for State Forestry employees involved in fighting forest fires.

H. B. 959, Committee Substitute for **H. B. 959**, an act to authorize the Legislative Research Commission to study the organization of a Department of Natural Resources, including State programs on environmental health, natural resources management, and environmental protection.

H. B. 982, an act to appropriate funds for the preservation and restoration of the Richmond Hill Law School in Yadkin County.

H. B. 992, Committee Substitute for **H. B. 992**, an act to provide liability insurance coverage for the law enforcement officers and law enforcement support personnel employed by the State.

H. B. 1000, an act to appropriate funds for the support of the North Carolina Shakespeare Festival, Incorporated.

H. B. 1006, an act to appropriate funds to assist local governments with problems of solid waste.

H. B. 1035, an act to appropriate funds to the Division of Archives and History for publication of a brief history of Rockingham County.

H. B. 1100, an act to appropriate funds for an area senior citizens' center in Charlotte.

H. B. 1143, an act to adopt the Quality Assurance Program established jointly by the State Board of Education and the Board of Governors of the University of North Carolina and to appropriate funds for that purpose.

H. B. 1145, an act to appropriate funds for the construction of the World of the Underground Exhibit at the Western North Carolina Nature Center in Asheville.

H. B. 1170, an act to allow prior service credit for temporary State employment in the Teachers' and State Employees' Retirement System.

H. B. 1172, an act to permit the use of State grant funds to cover certain direct administrative and service costs and to modify the Department of Transportation's authority to conduct safety projects at public airports.

H. B. 1250, an act to appropriate funds to the Lake Waccamaw State Park.

H. B. 1370, an act to appropriate funds for programs which reduce drug related crime and criminal recidivism among substance abusing offenders.

H. B. 1376, an act to appropriate funds to the Department of Human Resources to establish a comprehensive in-home screening service.

H. B. 1394, an act to appropriate funds from the General Fund to the Department of Justice for special fund money.

H. B. 1396, an act to appropriate funds for the American Dance Festival.

H. B. 1404, an act to appropriate funds for a truck driver training program facility at Johnston Technical College.

H. B. 1424, an act to appropriate funds for the Frank Holder Dance Company.

H. B. 835, an act to appropriate funds to the Department of Cultural Resources for a grant to the Carolina Theatre in Greensboro.

H. B. 754, an act to appropriate funds to the Department of Natural Resources and Community Development, Division of Marine Fisheries, to allow the Division to continue to protect public health and public resources and to increase shellfish rehabilitation and management efforts and to make other appropriations.

H. B. 1392, Committee Substitute for **H. B. 1392**, an act to modify current operations and capital improvements appropriations for North Carolina State Government for the Fiscal Year 1981-82 and to make other changes in the budget operations of the State.

S. B. 577, an act to allow a fee for each nuclear electric generating plant located in North Carolina for the purpose of deferring the costs of planning emergency response as required by the Federal Emergency Management Agency.

H. B. 1241, an act appropriating funds to the North Carolina Department of Agriculture to establish a regional farmers market at Charlotte.

H. J. R. 1427, a joint resolution providing for the General Assembly to meet to consider reapportionment.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 773, a bill to modify current operations and capital improvements appropriations for North Carolina State Government for the fiscal year 1981-82 and to make other changes in the budget operations of the State.

On motion of Senator Hardison, duly seconded, the bill is postponed indefinitely.

The President grants a leave of absence to Senator Wynne for Thursday, October 29.

The Chair orders a message sent to the House of Representatives informing that Honorable Body that the Senate has completed the business before it and stands ready to adjourn upon receipt of a like message from that Honorable Body.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H. J. R. 1427

HOUSE OF REPRESENTATIVES
October 10, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body respectfully advising that the business of the House has been concluded and that this Body will be ready to adjourn pursuant to **H. J. R. 1427**, a joint resolution providing for the General Assembly to meet to consider reapportionment, upon notification that your Honorable Body stands ready to adjourn.

Respectfully,
GRACE COLLINS
Principal Clerk

The Senate having completed the business before it, Senator Allsbrook offers a motion, seconded by Senator Hardison, that the Senate do now adjourn to reconvene Thursday, October 29, at 12 Noon, in accordance with **H. J. R. 1427**, which motion prevails.

The hour for adjournment fixed by **H. J. R. 1427**, passed by the two Houses, having arrived, the President of the Senate declares the Senate stands adjourned to reconvene Thursday, October 29, 1981, at 12 M, in accordance with Resolution 66, As Amended by Resolution 1 of the 1981 Extra Session and by Resolution 80, of the 1981 Session Laws.

JAMES C. GREEN
President of the Senate

SYLVIA MORRIS FINK
Principal Clerk of the Senate

October 10, 1981

ADDENDUM

It will be noted that a number of bills and resolutions passed second reading and then were read a third time on the same day.

Rule 50 states:

No bill on its third reading shall be acted upon out of the regular order in which it stands on the Calendar, and no bill shall be acted upon on its third reading the same day on which it passed its second reading, unless so ordered by two-thirds of the membership of the Senate.

In order to comply with this Rule, no bill which has passed its second reading is read a third time except:

- (1) when a member moves that the Rule be suspended, and this motion prevails by at least a two-thirds vote of the membership of the Senate, or
- (2) when the Chair determines that there is no objection from any member present, which constitutes unanimous consent that Rule 50 be suspended.

In these cases the bill is read a third time.

Sylvia M. Fink
Principal Clerk

ADDENDUM

SECOND SESSION 1981

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SENATE RESOLUTIONS

SECOND SESSION 1981

Adopted October 8, 1981

S. R. 785, A SENATE RESOLUTION ASSURING THE DEPARTMENT OF TRANSPORTATION OF ADDITIONAL FUNDING BY THE GENERAL ASSEMBLY DURING ITS JUNE 1982 SESSION.

WHEREAS, House Bill 1215 passed the House of Representatives on June 26, 1981, came to the Senate on June 30, 1981, and was referred to the Committee on Finance, where it is now pending in a subcommittee;

WHEREAS, this bill if enacted, would provide estimated annual revenue of twenty million dollars (\$20,000,000) through increased taxes on alcoholic beverages;

WHEREAS, the revenues derived from that bill would be placed in the Highway Fund;

WHEREAS, sufficient time is not available under the Senate Rules for a full consideration of this important legislation;

Now, therefore, be it resolved by the Senate:

Section 1. The Senate acknowledges the need of assurance of future revenue and assures the Department of Transportation that the Senate will make the availability of funds of not less than twenty million dollars (\$20,000,000) to the Department of Transportation a top priority in its Session to convene on June 2, 1982.

Sec. 2. This resolution is effective upon adoption.

SENATE STAFF

OFFICE OF THE PRESIDENT

Lieutenant Governor

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Press Secretary

Secretaries

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Arlene Pulley
William H. Franklin, Jr.
George C. Jones

Margaret Webb

Sarah B. Hanner
Gretchen Dickson
Mary Ann Dusenbury

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President Pro Tempore

Administrative Assistant

W. Craig Lawing

Ruth Holmes

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Principal Clerk

Calendar Clerk

Assistant Calendar Clerk

Journal Clerk

Assistant Journal Clerks

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Mary Puryear
Barbara Richardson
Dorothy Winstead

READING CLERK

Leroy Clark, Jr.

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Sergeant-at-Arms

Deputy Sergeant-at-Arms

Assistants

Gerda B. Pleasants

Royster Baker

Joe Brown
William H. Copley
W. H. Horton
Fletcher "Chip" Winstead

SECRETARIES

Supervisor

Joan Leatherman

Assistant Committee Clerks

Rita DeMent
Hellon Senter

<i>Name</i>	<i>Senator</i>	<i>Clerk of Committee</i>
Hedda Bagnall	Marvin	Redistricting-Congressional
Judith G. Britt	Jordan	Base Budget
Bettie Browne	Allred Baker	
Mary Cates	Ward	Appropriations on Justice & Public Safety
Rebecca Cuddy	Jenkins	Pensions & Retirement
Anne H. DeRosset	Daniels	Appropriations on General Government & Transportation
	Harris	Human Resources
Mabel Dorsey	Gray	Senior Citizens Affairs
Sherry Holbrook	Frye	Appropriations on Education
Jane Holliday	Harrington	Transportation
Ruth Holmes	Lawing	Rules & Operation of the Senate
Carolyn Honeycutt	Barnes	State Government
Pat House	Alford	Appropriations on Natural & Economic Resources
Bernice Bullard	Creech	Judiciary III
Ellen Johns	Hardison	Appropriations
Brenda Johnson	Allsbrook	Judiciary I
Rebecca B. Johnson	Johnson Wynne	Public Utilities Higher Education
Linda Kelly	Hancock	
Billie Lemon	Mills	Banking
Faye B. McLamb	Warren Noble	Alcoholic Beverage Control
Lillian Newton	Palmer	Veterans & Military Affairs
Sarah Murphy	White	Agriculture
Loraine Newsome	Royall	Ways & Means
Phyllis Porter	Kincaid Ballenger	
Fran Preston	Speed	Education

SECRETARIES (continued)

<i>Name</i>	<i>Senator</i>	<i>Clerk of Committee</i>
Janet B. Pruitt	Jernigan	Manufacturing, Labor & Commerce
Janet Puryear	Soles	Judiciary II
Sue Robertson	Duncan	Finance
Catherine Stephens	Swain	Courts & Judicial Districts & Criminal Justice
Lois Tyree	Boger Smith	
Sharon Warboy	Raynor	Law Enforcement & Crime Control
Pat Wells	Garrison	Economy
Ursula Wesley	Cockerham	
Nancy Wilson	J. Thomas	Natural & Economic Resources & Wildlife
Sandra Wood	Vickery Walker	Univ. Board of Governors Appropriations on Human Resources
Virginia Yates	Cavanagh	

The following Senators did not have secretarial assistance during the Second Session: Senators Clarke, Marion, Mathis, McDuffie, Rauch, Redman, R. Thomas, and Wright.

The above staff served during the 1981 Extra Session.

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Senator W. Craig Lawing	
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Caswell County—District 15—Senator Conrad R. Duncan, Jr.
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Senator William W. Redman, Jr.

—J—

Jackson County—District 27—Senator Joe H. Palmer
Senator R. P. Thomas

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Johnston County—District 9—Senator Robert D. Warren

Jones County—District 5—Senator Harold W. Hardison

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Lawing, W. Craig—Senator (President Pro Tempore)

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Co-Sponsor 785.

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Senator Joseph E. Johnson

Senator Robert W. Wynne

Lenoir County—District 5—Senator Harold W. Hardison

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Macon County—District 27—Senator Joe H. Palmer

Senator R. P. Thomas

Madison County—District 26—Senator James McClure Clarke

Senator Robert B. Swain

Marion Jr., George W.—Senator

Alleghany, Ashe, Caswell, Rockingham,

Stokes, **Surry**—District 15

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Primary Sponsor 782.

Co-Sponsor 785.

Martin County—District 6—Senator Julian R. Allsbrook

Senator Vernon E. White

Marvin, Helen Rhyne—SenatorCleveland, **Gaston**,

Lincoln, Rutherford—District 25

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McDowell County—District 26—Senator James McClure Clarke

Senator Robert B. Swain

McDuffie, James D.—Senator Cabarrus, **Mecklenburg**—District 22

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Senator W. Craig Lawing

Senator James D. McDuffie

Senator Carolyn Mathis

Charlotte

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Senator J. J. Harrington

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Senator Russell Walker

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Senator J. J. Harrington

Person County—District 13—Senator William G. Hancock, Jr.

Senator Kenneth C. Royall, Jr.

Pitt County—District 6—Senator Julian R. Allsbrook

Senator Vernon E. White

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Senator George W. Marion, Jr.

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Senator R. P. Thomas

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Macon, Jackson, Polk, Swain, Transylvania—District 27

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Senator R. P. Thomas

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Senator J. J. Harrington

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—U—

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Senator James D. Speed

Vickery, Charles E.—Senator Chatham, Moore, **Orange**, Randolph—District 16

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Senator J. J. Harrington

Watauga County—District 24—Senator Harold A. Baker

Senator Donald R. Kincaid

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Senator William W. Redman, Jr.

Yancey County—District 26—Senator James McClure Clarke

Senator Robert B. Swain

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**JOURNAL
OF
THE SENATE
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF NORTH CAROLINA**

**THIRD SESSION
1981**

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THIRD SESSION 1981

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SENATE JOURNAL

THIRD SESSION 1981

ONE HUNDRED THIRTY-THIRD DAY

SENATE CHAMBER,
Thursday, October 29, 1981

The Senate meets pursuant to adjournment as provided in Resolution 66, As Amended, by Resolution 1 of the Extra Session and as further amended by Resolution 80 of the 1981 Session Laws and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Senate Chaplain, as follows:

"Heavenly Father, We thank You that You spread good gifts before us, more than we need or deserve, and that You distribute Your gifts among us with an even hand. Help us to be equitable in our treatment of each other, sharing what we have received from Your bounty. As we gather here this day to do the work we have been called to do, fill us with Your Holy Spirit, that the deliberations of this Body may not be merely the opinions we bring with us as men and women, but shall be Your will for this Senate and for the people of North Carolina. Amen."

Senator Lawing for the rules and Operation of the Senate Committee announces that the Journal of Saturday, October 10, has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants leaves of absence to Senators Harris and Thomas of Henderson for today and for tomorrow October 30. A leave of absence granted previously to Senator Wynne is noted.

Senators Harris, Wynne and Thomas of Henderson request that they not be paid per diem.

REPORTS OF COMMITTEES

Senator Rauch for the **Redistricting — Senate Committee:**

"Mr. President, Members of the Senate, rather than read you the entire minutes, which are prepared and will be in the Library, I will read you one brief section which will indicate our report. These are from the minutes of October 21st:

'Senator Royall moves that the Committee adopt Sub-Committee A, Plan 1, and that the Chair be instructed to introduce legislation to implement this plan when the Senate met on October 29th, Senator Mills seconded the motion . . . a vote was taken and Sub-Committee A, Plan 1, was adopted. Senators Speed and Warren recorded as voting "no."'

"That is the Committee Report. When it comes time for introduction of bills, I will have the bill."

October 29, 1981

INTRODUCTION OF BILLS AND RESOLUTIONS

The following bill is presented to the Senate, read the first time, and disposed of as follows:

By Senator Rauch:

S. B. 791, a bill to establish Senatorial Districts and to apportion seats in the Senate among districts.

Referred to **Redistricting — Senate Committee**.

POINT OF PARLIAMENTARY INQUIRY

Senator Jordan rises to a point of parliamentary inquiry as follows:

"In an earlier conversation it was my understanding that it was a possibility of the rules—that the rules would have to be suspended before that bill could be introduced and sent to committee."

The Chair directs the attention of the Senate to **H. J. R. 1427**, a joint resolution providing for the General Assembly to meet to consider reapportionment and defers a ruling until each member has advantage of a copy.

The Chair rules that, "**S. B. 791**, is referred to the **Committee on Senate Redistricting** as provided for in Resolution 80, **H. J. R. 1427**, which was ratified on the 10th day of October, 1981."

Senator Rauch announces a meeting of the **Redistricting — Senate Committee**, at 12:30 P.M., emphasizing that all members of the General Assembly are invited to attend and speak.

On motion of Senator Lawing, seconded by Senator Rauch, the Senate stands in recess until 3:00 P.M. for the purpose of a **Redistricting — Senate Committee** meeting.

AFTERNOON SESSION — 3:00 P.M.

The Senate meets pursuant to recess and is called to order by the Honorable James C. Green, Lieutenant Governor.

Senator Rauch announces the **Redistricting — Senate Committee** is not prepared to report and that upon recess shall resume meeting at 3:45 P.M.

The Chair declares the Senate stands in recess until 4:30 P.M. for the purpose of a **Redistricting — Senate Committee** meeting.

AFTERNOON SESSION — 4:30 P.M.

The Senate meets pursuant to recess and is called to order by the Honorable James C. Green, Lieutenant Governor.

REPORTS OF COMMITTEES

The following bills are reported from the **Redistricting — Senate Committee** read by their titles, together with the reports accompanying them, and take their place on the Calendar, as follows:

October 29, 1981

By Senator Rauch for the **Redistricting — Senate Committee:**

S. B. 789, a bill to apportion the districts of the North Carolina Senate, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended and the Committee Substitute bill which changes the title to read **S. B. 789**, Committee Substitute for **S. B. 789**, a bill to amend the filing date for the 1982 State Senatorial and Representative, and Congressional elections, is adopted, and on his further motion is placed on the calendar for tomorrow, October 30.

S. B. 791, a bill to establish Senatorial Districts and to apportion seats in the Senate among districts, with a favorable report.

On motion of Senator Royall, the bill is re-referred to the **Redistricting — Senate Committee.**

On motion of Senator Lawing, seconded by Senator Allsbrook, the Senate adjourns to meet tomorrow at 10:00 A.M.

ONE HUNDRED THIRTY-FOURTH DAY

SENATE CHAMBER,
Friday, October 30, 1981.

The Senate meets pursuant to adjournment and is called to order by the Honorable James C. Green, Lieutenant Governor.

Prayer is offered by the Reverend Joe Brown, Pastor of Love Grove AME Zion Church, Swann.

Senator Lawing for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct, and on his motion the reading of the Journal is dispensed with and it stands approved as written.

The President grants a leave of absence to Senator Palmer for today. Leaves of absence granted previously to Senators Harris, Thomas of Henderson, and Wynne are noted.

CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

S. B. 789, Committee Substitute for **S. B. 789**, a bill to amend the filing date for the 1982 State Senatorial and Representative, and Congressional elections.

Senator Rauch offers Amendment No. 1 which is adopted.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered without objection, sent to the House of Representatives by Special Messenger, without engrossment.

The Chair declares the Senate stands in recess until this afternoon upon notification by the bell and Sergeant-At-Arms.

AFTERNOON SESSION — 4:00 P.M.

The Senate meets pursuant to recess and is called to order by the Honorable James C. Green, Lieutenant Governor.

The President grants a leave of absence to Senator Thomas of Craven for the Afternoon Session.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 1428, Committee Substitute No. 2 for **H.B. 1428**, a bill to apportion the districts of the North Carolina House of Representatives.

On motion of Senator Rauch, the rules are suspended, and the Committee Substitute bill No. 2 is placed before the Senate for immediate consideration.

Under Article II, Section 18, of the North Carolina Constitution, Senator Kincaid submits an official protest against the bill and requests that it be spread upon the Journal as follows:

PROTEST

A petition to the North Carolina General Assembly:

Whereas Resolution 80, Session Laws of 1981 allows for introduction only of bills to apportion the districts of the North Carolina House of Representatives and Senate, and

Whereas, given the current state constitutional prohibition on dividing counties, and the question about whether such amendment was approved under the Voting Rights Act, and

Whereas, because the State Constitution states that once a redistricting plan has been adopted it may not be altered until the next census, there is question about whether the General Assembly may on its own initiative adopt a second plan, and

Whereas, it seems difficult to satisfy both the Voting Rights Act and the one-person one-vote doctrine if counties are not split, and

Whereas, there needs to be a sense of fair play and disregard of partisan political considerations in meeting the apportionment of the North Carolina House of Representatives and Senate, and

Whereas, the plans that have been presented have tended to provide the large multi-county districts that tend to dilute the voting considerations of our North Carolina citizens, and

Whereas, the Constitution of North Carolina provides for the redress of grievances of the citizens through the use of the ballot and the holding of frequent elections, and

Whereas, the establishment of large geographical House legislative districts tend to dilute the voting expressions of the people, and

Whereas, it has been stated many times that the best government is that government that is closest to the people,

Now therefore, we the undersigned, petition the North Carolina General Assembly to act in a sense of fair play and give just consideration and approval for single member districts for both the North Carolina House of Representatives and Senate and that a plan be devised to accomplish this end.

s/ T. CASS BALLENGER

s/ DONALD R. KINCAID

Senator Johnson offers Amendment No. 1. Senator Royall, seconded by Senator Hardison, offers a motion that Amendment No. 1 do lie upon the table. The motion prevails and Amendment No. 1 lies upon the table.

The Committee Substitute bill No. 2 passes its second and third readings and is ordered enrolled.

H. J. R. 1429, a joint resolution providing for the adjournment of the Redistricting Session.

On motion of Senator Lawing, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second and third readings and is ordered enrolled.

ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

H. B. 1428, Committee Substitute No. 2 for **H. B. 1428**, an act to apportion the districts of the North Carolina House of Representatives.

H. J. R. 1429, a joint resolution providing for the adjournment of the Redistricting Session.

The Senate having completed the business before it, Senator Lawing offers a motion, seconded by Senator Royall, that the Senate do now adjourn to reconvene on Wednesday, June 2, 1982, at 12 M., in accordance with **H. J. R. 1429**.

The Chair orders a message sent to the House of Representatives informing that Honorable Body that the Senate has completed the business before it and stands ready to adjourn.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

HOUSE OF REPRESENTATIVES
October 30, 1981

Mr. President:

It is ordered that a message be sent your Honorable Body respectfully advising that the business of the House has been concluded and that that Body will be ready to adjourn

pursuant to H. J. R. 1429, a joint resolution providing for the adjournment of the Redistricting Session, upon notification that your Honorable body stands ready to adjourn.

Respectfully,
GRACE COLLINS
Principal Clerk

The motion to adjourn offered by Senator Lawing prevails.

The hour for adjournment fixed by **H. J. R. 1429**, passed by the two Houses, having arrived, the President of the Senate delares the Senate adjourned to reconvene on Wednesday, June 2, 1982, at 12 M., in accordance with Resolution 66, As Amended by Resolution 1 of the 1981 Extra Session and by Resolutions 80 and 81 of the 1981 Session Laws.

JAMES C. GREEN
President of the Senate

SYLVIA MORRIS FINK
Principal Clerk of the Senate

ADDENDUM

It will be noted that a number of bills and resolutions passed second reading and then were read a third time on the same day.

Rule 50 states:

No bill on its third reading shall be acted upon out of the regular order in which it stands on the Calendar, and no bill shall be acted upon on its third reading the same day on which it passed its second reading, unless so ordered by two-thirds of the membership of the Senate.

In order to comply with this Rule, no bill which has passed its second reading is read a third time except:

- (1) when a member moves that the Rule be suspended, and this motion prevails by at least a two-thirds vote of the membership of the Senate, or
- (2) when the Chair determines that there is no objection from any member present, which constitutes unanimous consent that Rule 50 be suspended.

In these cases the bill is read a third time.

SYLVIA M. FINK
Principal Clerk

THIRD SESSION 1981

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Lieutenant Governor

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Press Secretary

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Charles Ives, Jr.
Fletcher "Chip" Winstead

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Supervisor

Joan R. Leatherman

<i>Name</i>	<i>Senator</i>	<i>Clerk of Committee</i>
Gayle Battley		
Rita Dement		
Jane Holliday		
Ruth Holmes		
Ellen Johns		
Loraine Newsome		
Lois Tyree		

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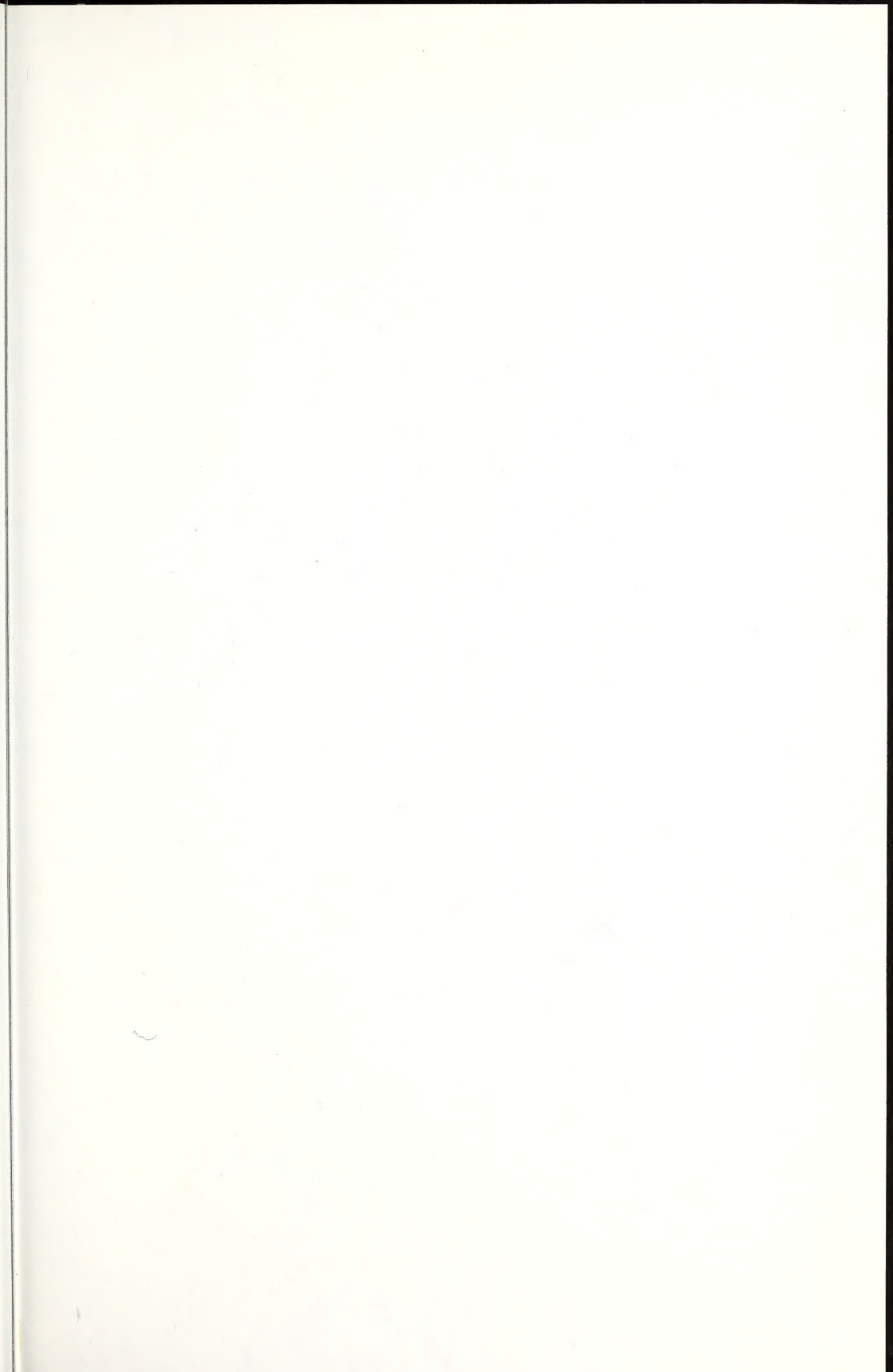
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